

1 UNITED STATES DISTRICT COURT  
 2 EASTERN DISTRICT OF NEW YORK

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21-CR-371 (BMC)

3 UNITED STATES OF AMERICA,

4 Plaintiff,

United States Courthouse  
 Brooklyn, New York

5 -versus-

October 25, 2022  
 1:15 p.m.

6 THOMAS BARRACK & MATTHEW GRIMES,

7 Defendants.

8 -----x

9 TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL  
 10 BEFORE THE HONORABLE BRIAN M. COGAN  
 11 UNITED STATES SENIOR DISTRICT JUDGE  
 BEFORE A JURY

12 APPEARANCES

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24 Proceedings recorded by mechanical stenography. Transcript  
 25 produced by computer-aided transcription.

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## PROCEEDINGS

1 (In open court.)

2 THE COURTROOM DEPUTY: All rise. The Honorable  
3 Brian Cogan now presiding.

4 THE COURT: Okay. Let's have the jury please.

5 I haven't fully digested the submission that I got  
6 this morning, but it looks like once I do it will be helpful.  
7 I at least thank you for narrowing the down the scope of it.

8 (Jury enters courtroom.)

9 THE COURT: Let's have Mr. Barrack back on the  
10 stand, please.

11 (Witness takes the witness stand.)

12 THE COURT: Everyone be seated. Good afternoon,  
13 ladies and gentlemen.

14 THE JURY: Good afternoon.

15 THE COURT: I'm glad to be here with you.

16 Let's continue direct examination.

17 **THOMAS BARRACK**, called as a witness, having been previously  
18 first duly sworn/affirmed, was examined and testified further  
19 as follows:

20 MR. SCHACHTER: Good afternoon, everyone.

21 THE JURY: Good afternoon.

22 DIRECT EXAMINATION (Continued)

23 BY MR. SCHACHTER:

24 Q All right. Mr. Barrack when we left off we were speaking  
25 about that first meeting with Sheikh Tahnoun in May. I just

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1 want to show you a couple of emails that are in evidence that  
2 you received in advance of that.

3 Mr. McLeod, can we put up quickly Government  
4 Exhibit 214.

5 THE COURT: In evidence.

6 MR. SCHACHTER: Yes, in evidence, your Honor.

7 Q So Mr. Barrack, it says it is from Jessica Gibbs. Do you  
8 recognize this to be something Ms. Gibbs put into your  
9 calendar?

10 A I do.

11 Q Do you type the information that goes into your calendar  
12 or is that something that Ms. Gibbs takes care of it?

13 A She takes care of.

14 Q She put in a meeting with Sheikh Tahnoun, deputy National  
15 Security Advisor. Do you see that?

16 A I do.

17 Q This is for this May 1st meeting, right?

18 A Correct.

19 Q Then if I can also show you Government Exhibit 211 in  
20 evidence. And you recall this is an email that we all saw a  
21 few days before the meeting that Matthew sent to you with an  
22 attachment labeled Sheikh Tahnoun bin Zayed bio.

23 Do you see that?

24 A I do.

25 Q I want to show you portions of that bio that you were

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1 sent and there's --

2 MR. SCHACHTER: If we can blow up the top half so we  
3 can see, actually a little bit more than that.

4 Q So this contains information about -- that you received  
5 about him being chairman of the First Gulf Bank, attended the  
6 University of San Diego, known as prominent businessman and  
7 then his involvement in mixed martial arts, but then also at  
8 the top it indicates that he is deputy National Security  
9 Advisor.

10 Do you see that?

11 A I do.

12 Q Now, so is that -- do you recall being specifically aware  
13 of that title and how -- what importance, if any, did his  
14 particular role have in your desire or thinking in preparation  
15 of that meeting?

16 A I knew it was a big role, I didn't know exactly what it  
17 was. I know he was one of most powerful men in the UAE so I  
18 assumed it was a big job.

19 Q Okay. Thank you.

20 Now when we left off you had -- you had already  
21 talked about the meeting and then you had mentioned that you  
22 had mentioned this meeting to people in the Trump campaign; is  
23 that correct?

24 A Yes.

25 Q You mentioned Jared Kushner and also Paul Manafort; is

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1 that right?

2 A Correct.

3 MR. SCHACHTER: I want to show you, and we'll offer  
4 what the government marked as Government Exhibit 216.

5 Can we put that up just for witness and counsel.

6 MR. NITZE: One moment, your Honor. No objection.

7 MR. LOWELL: No objection.

8 THE COURT: Received.

9 (Government Exhibit 216, was received in evidence.)

10 Q So at the very bottom of this, this is your email on  
11 May 1st, 2016 to Paul Manafort, and he at this point was  
12 associated with the campaign; is that right?

13 A Yes, sir, he was convention manager at this time.

14 Q Okay. And you wrote: I'm in Abu Dhabi with Sheikh  
15 Tahnoun. Call if you can.

16 And then you wrote on top of that, home run for DJT  
17 here. And then you, on top of that, wrote same day, we have  
18 Sheikh Mohammed bin Zayed and Tahnoun bin Zayed on side, they  
19 run the UAE backers, several exclamation points.

20 Private coffee with the man in U.S.A. sometime in  
21 June. We will discuss what you think might work.

22 It was a wow. Could be amazing opportunity.

23 I just want to break that down. Is this letting the  
24 convention manager for the campaign know right after the  
25 meeting with Sheikh Tahnoun?

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1 A Yes.

2 Q And then you wrote, private coffee with the man in U.S.A.  
3 sometime in June. What's that a reference to?

4 A To their willingness to meet with candidate Trump  
5 sometime in June when they were in the United States.

6 Q Why -- you talked about this a little bit before, but why  
7 did you think that was something that could be a positive?

8 A Well, if you remember where we left off, at this time in  
9 May -- I don't remember when Ted Cruz finally pulled out, but  
10 candidate Trump was not a really viable contender in the  
11 global sphere of things. The Muslim ban was still a major  
12 controversy and had not been changed or amended, so to get an  
13 Arab leader to be willing to meet with any of the candidates,  
14 especially this candidate, to me was a big thing.

15 Q What did you think would be the value, if any, to Donald  
16 Trump from having such a meeting from your view?

17 A To hear from Sheikh Tahnoun, somebody who is well  
18 respected in the UAE and he had known of the Middle East  
19 situation of course, I thought it would provide a better point  
20 of view. He hadn't had a point of view from the Arabs, he  
21 hadn't had a point of view from the Muslims. It was like an  
22 oxygen mask dropping down, he just put it down on Americans  
23 and said I'll figure it out later.

24 Q I see. Now were you familiar with other candidates who  
25 had been running for president in the past who had met with

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1 other world leaders during the course of their campaign?

2 A Sure.

3 Q And from your perspective, what would be the value of  
4 that?

5 A The same. I think candidates are trying to establish two  
6 constituencies. A constituency at home, domestic policy.  
7 We're dealing with all those things that we all deal with  
8 every day: Inflation, homelessness, the economy, healthcare.

9 At the same time our expectations of a presidential  
10 candidate is keep us out of trouble and to balance the -- all  
11 the contentions that are happening in the world and they have  
12 to have some mojo in the international field. So they all  
13 have Obama, Clinton, all of them in their campaigns have  
14 traveled abroad to meet with leaders around the world.

15 Q All right. Now, by the way, this conversation that you  
16 had had that you're referencing here about a coffee with  
17 Donald Trump and Sheikh Tahnoun sometime in June, did that  
18 ever happen?

19 A No, sir.

20 Q What was your understanding as to why Sheikh Tahnoun  
21 never actually followed through and agree to sit down with  
22 Donald Trump?

23 MR. NITZE: Objection. Foundation.

24 THE COURT: Well, how do you know? How do you know  
25 what --



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1 THE WITNESS: Just my belief.

2 THE COURT: You may answer.

3 A My belief was that they just didn't take him seriously.  
4 At that point in time he was not a serious contender.

5 Q All right. Now -- and by the way, if the purpose of your  
6 meeting with Sheikh Tahnoun was to agree with him to secretly  
7 influence the Trump campaign, would you have told Donald  
8 Trump's convention manager or Jared Kushner?

9 A Probably not.

10 Q After you came back from that meeting with Sheikh  
11 Tahnoun, did you have dinner with Jared Kushner?

12 A I did.

13 Q Do you recall what, if anything, you discussed about --  
14 and specifically about a man named Walid Phares and a man  
15 named George Nader?

16 A Yes.

17 Would you like me to describe the conversation or  
18 the people?

19 Q The conversation.

20 A So the conversation was a man named Walid Phares, who was  
21 a Lebanese educator for was I think at George Washington  
22 University at the time, Jared was thinking of or had appointed  
23 as an adviser in his foreign relations advisory committee.  
24 And at the time it had been raised by lots of people,  
25 including Paul Manafort, that Phares had a varied background,

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1 very smart, very bright, very well educated, but had far right  
2 leanings in what his political opinion was that might not be  
3 good for the campaign.

4 At this point in time Phares had asked Jared for a  
5 meeting with another man named George Nader, who at that time  
6 was unknown to me, but was another Lebanese kind of wannabe  
7 diplomat at large, who had a relationship with Abu Dhabi,  
8 apparently had a relationship with Abu Dhabi and MBZ, and  
9 through Nader they had requested a meeting with Jared.

10 Q And after Mr. Kushner discussed this with you, what, if  
11 anything, did you do to find out more about Mr. Nader or  
12 Mr. Phares?

13 A Well, I shared with Jared obviously that I had just come  
14 back and I thought this was a great opportunity for candidate  
15 Trump and him because Sheikh Tahnoun seemed to be interested  
16 in speaking to them, and that my feeling was that they should  
17 speak directly to him and to Jared. I knew who Walid Phares  
18 was, smart, bright, but I didn't know who George Nader was.  
19 And I said, why don't you just hold off on that until I find  
20 out who these people are and if this is really coming through  
21 Sheikh Tahnoun. I was just there, he didn't mentioned  
22 anything about it, it's strange.

23 Q What, if anything, did you do to find out more about  
24 those individuals?

25 A I contacted Rashid and said what's happening.

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1 Q Did you contact anybody else?

2 A I did. I talked to Manafort at the time.

3 I talked to Sylvio Tabet, who we discussed Sylvio,  
4 as the head of the Middle East investor relations that we had.  
5 He had a very good friend named Bassam Freihas, who lived in  
6 Abu Dhabi, and I asked him just give me some background, are  
7 these good people, are these people that the candidate should  
8 be associated with, give me some direction.

9 Q Was the information that you heard back positive or  
10 negative?

11 A It was kind of typical Lebanese gossip, right, which is  
12 these guys are involved in everything, stay away.

13 Q All right. I'm now going to show you what has been  
14 received in evidence as Government Exhibit 220. And this is  
15 an email you sent to Jared Kushner on May the 9th. The  
16 subject is: Good to cancel. All clear.

17 Do you see that?

18 A Yes.

19 Q You wrote: George Nader is a mid level bureaucrat in the  
20 Abu Dhabi educational council. Not authorized on behalf of  
21 Tahnoun or MBZ. Low level and deals with domestic education  
22 issues.

23 So just generally, when you wrote good to cancel,  
24 what were you talking about?

25 A It seemed appropriate for him to cancel the meeting

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1 because he wasn't having the meeting with the principals, he  
2 was having the meeting with intermediaries.

3 Q Now I'm going to show you what's in evidence as  
4 Government Exhibit 223. This is -- we saw this before. This  
5 is an email same day that Rashid sent to you that we've gone  
6 through.

7 He wrote: Spoke with Khalifa and he reconfirmed no  
8 messages was delegated. And went on.

9 Why did you understand that Rashid had written this  
10 email to you?

11 A So at the time we had talked about this majlis diplomacy  
12 and the fight in the majlis. Again, the majlis being the  
13 living room at that time, supposedly, of Mohammed bin Zayed,  
14 the crown prince of Abu Dhabi. And Nader was doing the same  
15 thing that Rashid was, trying to show influence that he had  
16 some direct line into the campaign of president Trump and  
17 trying to be that intermediary. Rashid, as we've talked  
18 about, was attempting to do the same thing for his own  
19 relevance.

20 So Rashid had told me before that he didn't like  
21 Nader he thought Nader was not reliable and this was just a  
22 response from Rashid coming back saying he's a mid level guy,  
23 he doesn't have any authority, I talked to Khalifa.

24 Q Let me follow up on that. So you said that Rashid -- I'm  
25 not sure exactly the words you used, but was trying to vie for

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1 importance by showing that he was -- had some kind of  
2 connection to Donald Trump. That's -- importance to who and  
3 why would that be important, from your perspective, your  
4 understanding, why would it be important to Rashid and to whom  
5 would it show importance?

6 A My understanding at the time was he had very little  
7 relevance in Abu Dhabi itself and that this was the nexus to  
8 give him some standing for Khalifa who was his friend.

9 Q I see, but he was able to set up a meeting for you with  
10 Sheikh Tahnoun; is that right?

11 A He did.

12 Q So how do you -- can you explain how can you both not  
13 have particular relevance back in Abu Dhabi, but also be able  
14 to set up this meeting?

15 A Yes, I think it's in baby steps. Setting up a meeting  
16 was great. I could have done it different ways had that been  
17 foremost in my mind, but I think the stars aligned for him and  
18 it was a good opportunity, but I knew that he didn't have an  
19 existing relationship with him, because I saw that once I went  
20 to the meeting.

21 Q And you say you could have set this up other ways. You  
22 mentioned a friend named Mohammed Alabbar, is that somebody  
23 that could have set up meetings for you?

24 A Yes. Mohammed Alabbar, as we remember, was the chairman  
25 of Emaar which is a Dubai company, but he also ran a family

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1 office for Mohammed bin Zayed called Eagle Nest and he was  
2 always happy to make that introduction had I wanted it.

3 Q All right. Now, this is an emailed that Rashid sends to  
4 you, then I'm going to show you what has been marked as  
5 Barrack 3004 for identification, witness and counsel only.

6 MR. SCHACHTER: And, your Honor, we'll offer it.

7 MR. NITZE: Sorry, Mr. Schachter, what is the  
8 number?

9 MR. SCHACHTER: 3004. Barrack 3004.

10 MR. NITZE: No objection.

11 MR. LOWELL: No objection.

12 THE COURT: Received.

13 (Barrack Exhibit 3004, was received in evidence.)

14 MR. SCHACHTER: Can we just blow that up a little  
15 bit Mr. McLeod.

16 Q This is you then forwarding Rashid's email to Paul  
17 Manafort.

18 A Yes.

19 Q Why did you forward it on to Mr. Manafort?

20 A Well, we had all been talking, so Paul -- if I can give  
21 just a snapshot of the campaign at the time. It's not a deep  
22 bench, right. We have candidate who's never been in politics  
23 before. Paul had recently joined the campaign, and Jared who  
24 is super smart and was the main resource, was primarily  
25 interested in Israel. Paul was interested in the convention

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1 and a more balanced global view.

2 If you remember, this is now May, candidate Trump  
3 had come out against Mexico, against the Muslims, against  
4 China, against South Korea, it was not looking good on a  
5 global basis and Paul was concerned with that.

6 So I was talking to Paul about the opportunity of  
7 these meetings which he and I both thought would be great and  
8 that I was confused about Nader and Phares, and he was too.  
9 He said you just have to make it very clear that those guys  
10 are not representing the principals that should be meeting  
11 with Jared and myself, myself being Paul.

12 Q Now did you -- in addition to forwarding Rashid's email  
13 to Mr. Manafort, did you also forward it on to Jared Kushner?

14 A I did.

15 Q Prior to forwarding that email, did you make some changes  
16 to some of the words in that email?

17 A I did.

18 MR. SCHACHTER: I'm going to show you Government  
19 Exhibit 69 in evidence. If we can put that side by side with  
20 the original email -- well, let's just look at this.

21 Q So this is you forwarding Rashid's email to Jared Kushner  
22 and you bcc Paul Manafort; is that right?

23 A Yes.

24 MR. SCHACHTER: Okay. And if we can just put those  
25 two side by side, Government Exhibit 69 and also the original

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1 email from Rashid so we can take a quick look at the changes  
2 that you made.

3 Q So you changed -- one second. You added the words, if  
4 we -- the original email is just so we can see it is on the  
5 right, and you, before forwarding it to Jared Kushner, wrote  
6 spoke with Khalifa and you added the words "who spoke to MBZ  
7 and Sheikh Tahnoun."

8 And then after the name Thomas Barrack in the third  
9 line you added, "as they both told you personally."

10 You also added, "and what he is really about," in  
11 the next line. And you wrote -- and you added "and other  
12 Arabs who do not want him."

13 Then you changed where it says on the right "in  
14 June" you changed it, "to meeting with candidate at some  
15 point."

16 MR. SCHACHTER: Can you highlight the words "at some  
17 point" Mr. McLeod at on the right.

18 Q Can you explain why did you make any changes to this  
19 email?

20 A Because in talking with Paul he made clear that Jared  
21 would not know who Khalifa is. Barely, at that point in time,  
22 Sheikh Tahnoun and MBZ were just coming on the scene. Jared  
23 was really focusing hard on Israel, and Paul wanted to make it  
24 clear to not have Phares involved. It's a little bit of  
25 palace drama even there between Paul and Jared trying to take



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1 control of what this international piece would be.

2 So it was an attempt to just clarify basically the  
3 principals should be meeting with principals and that Sheikh  
4 Tahnoun himself should be the one who has the meeting with  
5 Jared or the candidate. And trying eliminate that confusion.

6 On the part of "and other Arabs who do not want  
7 him," the idea of having a meeting, a candidate meeting in  
8 June I knew with most Arabs that -- my mom's motto of  
9 punctuality is the courtesy of kings doesn't happen, so  
10 sometime.

11 Q So the first change, "who spoke to MBZ and Sheikh  
12 Tahnoun" explains who Khalifa is to Jared Kushner?

13 A It explains it's coming from MBZ and Sheikh Tahnoun. I  
14 think he had no idea who Khalifa was.

15 Q Okay. As they both told you personally, that would be a  
16 reference to you, what's the purpose of doing that?

17 A Yes. As Sheikh Tahnoun and Khalifa both told me  
18 personally that, as you remember from that meeting, he said he  
19 wanted to come in June and would be willing to meet with the  
20 candidate.

21 Q Okay. And then the change to at some point from June to  
22 leaving it less clear as to when this meeting would actually  
23 occur?

24 A Yes.

25 Q All right. Did you think there was anything wrong with

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1 changing the language that you did in this email before  
2 forwarding it to Jared Kushner?

3 A No, not at all. I'm just trying to inform Jared this was  
4 nothing official, confidential, proprietary.

5 Q And just to be clear, these changes make it --  
6 particularly the one about "as they both told you personally"  
7 is telling Jared Kushner that you're in direct contact with  
8 Sheikh Tahnoun; is that right?

9 A Yes, and he knew that from the dinner that I had had with  
10 him a couple of nights before.

11 Q If your goal was to secretly influence the Trump  
12 campaign, would it make any sense for you to make changes to  
13 an email to make it all the more clear that you were speaking  
14 directly with Sheikh Tahnoun?

15 A No.

16 Q All right.

17 MR. SCHACHTER: You can take that down Mr. McLeod.

18 Q Now in addition to trying to set up a coffee with -- for  
19 Donald Trump with Sheikh Tahnoun, did you also try to  
20 introduce Donald Trump to the UAE's ambassador to the United  
21 States?

22 A I did.

23 MR. SCHACHTER: I'm going to show you what's been --  
24 I think what is in evidence as Barrack Exhibit 3044.

25 Q Is that ambassador Otaiba from the UAE?

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1 A Yes, Yousef Otaiba.

2 MR. SCHACHTER: If I can show you what we marked for  
3 identification as Barrack Exhibit 12, witness and counsel only  
4 please.

5 Q Do you recognize this to be an email exchange you had  
6 with Yousef Otaiba on the subject of trying to get a meeting  
7 between Donald Trump and him?

8 A I do.

9 MR. SCHACHTER: We offer Barrack Exhibit 12.

10 MR. NITZE: One moment please, your Honor.

11 We have a hearsay objection.

12 THE COURT: Blow it up, please.

13 MR. SCHACHTER: If we can start at the bottom  
14 please, Mr. McLeod.

15 MR. NITZE: And coupled with it, if not for truth,  
16 irrelevant.

17 MR. SCHACHTER: I'm happy to explain the relevance  
18 and it's not offered for the truth. It's offered for  
19 Mr. Barrack's state of mind.

20 THE COURT: Objection. Overruled. Ladies and  
21 gentlemen, again this document is not offered to show anything  
22 it says in there is the truth. It is just shown to suggest  
23 what Mr. Barrack's state of mind was at the time.

24 MR. NITZE: Your Honor, I just want to make sure the  
25 part that we kind of most object to is not -- are you able to

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1 see the whole document on your screen or just the --

2 THE COURT: I looked at -- actually, no. I've only  
3 looked at the first part, the bottom email.

4 MR. SCHACHTER: Mr. McLeod, you can blow up the top  
5 two emails so that --

6 MR. NITZE: Your Honor.

7 MR. SCHACHTER: Well, I guess Mr. Otaiba -- would  
8 that be sufficiently legible, your Honor?

9 THE COURT: What are you focusing on?

10 MR. SCHACHTER: I'm focusing on --

11 THE COURT: Not you. What's the objection focused  
12 on?

13 MR. NITZE: Some of the Otaiba statements, including  
14 with respect to confusion.

15 MR. SCHACHTER: That also goes to Mr. Barrack's  
16 state of mind, and it places it in context.

17 THE COURT: I agree. Objection, overruled. It's  
18 received with that limitation I told the jury.

19 MR. SCHACHTER: Can we start, Mr. McLeod, at the  
20 bottom.

21 Q So, Mr. Barrack, looking first at your email to  
22 Ambassador Otaiba you say, I hope you are well and that I find  
23 you some place in the world after Ramadan.

24 I wanted to try and find a time to introduce you  
25 personally to Donald Trump.

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1 And by the way, this is just a couple of days before  
2 you have your meeting with Sheikh Tahnoun; is that right?

3 A Yes.

4 Q Then if we can turn to the last paragraph, you write:  
5 This would be absolutely nonpolitical. Just an opportunity  
6 for the two of you to know each other. I have told him that  
7 you are amongst the best and brightest of a new generation of  
8 Arab leaders under MBZ's wisdom and leadership. The two of  
9 you should know each other.

10 I am happy to bring him to you for a cup of coffee  
11 if you are interested. My best to you and the family.

12 So why did you want Donald Trump to be introduced to  
13 Ambassador Otaiba?

14 A I think we remember from both Mr. Davidson and Professor  
15 Haykel that Ambassador Otaiba is probably the longest standing  
16 Arab ambassador in Washington. He's smart, he's articulate.  
17 He's totally westernized, and he's young. So I thought it  
18 would be a great place to start for Jared and candidate Trump  
19 to hear how the Arabs, how the Muslims feel about this Muslim  
20 ban.

21 In addition to all the other things. This energy  
22 independence. If you remember, side by side with this we have  
23 energy independence going on, which is a threat to the  
24 continued revenues of oil and gas in the region. And I knew  
25 Yousef, he's so, so diplomatic and I thought it would be a

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1 great opportunity for both of them.

2 Q All right. Looking at his response he writes: Greetings  
3 from sunny Abu Dhabi, where the confusion about your friend  
4 Donald Trump is, all caps, very high. Confusion because no  
5 one seems to know him and obviously because of his statements,  
6 particularly the Muslim ban. Have to admit even someone as  
7 nonjudgmental as I am, had a problem with that statement. I  
8 trust your judgment of course and defer to you since you know  
9 him and I don't. He says he's happy to connect with him.

10 How did you -- and then also looking at your  
11 response to that. You write: Yousef, he is the king of  
12 hyperbole and is searching through radical popularism to  
13 create a dialogue in our region. I'll stick a pin in that, I  
14 want to ask you about that.

15 He knows U.S. foreign policy has caused confusion  
16 and mistrust. He is not anti-Islam or anti-racist simply  
17 using it to induce serious dialogue.

18 You write: We can turn him to prudence. He needs a  
19 few really smart Arab minds to whom he can confer. You are at  
20 the top of that list. I promise a meeting will be  
21 enlightening if nothing else and build a great bridge for the  
22 UAE if he is successful.

23 I want to ask you about your response. You wrote:  
24 We can turn him to prudence. To be clear, who is asking for  
25 this meeting? Is this something that's being pushed by the

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1 UAE or is this something that you are sort of begging for?

2 A I'm begging for it. I think you can see from the  
3 paragraph before, he's in a diplomatic code telling me I'm out  
4 of my mind, so I'm trying to gain some ground here to explain  
5 to him that what he's doing is creating these bombs. He  
6 throws a hand grenade in the middle of things that people are  
7 confused about to create a dialogue.

8 Q When you wrote, we can turn him to prudence, what do you  
9 mean -- first of all, who is the "him" you're talking about?

10 A Candidate Trump.

11 Q What do you mean when you're saying to Ambassador Otaiba,  
12 we can turn him to prudence?

13 A Inferring that what he has been explaining in public as  
14 this Muslim ban is imprudent.

15 MR. SCHACHTER: You can take that down, Mr. McLeod.  
16 Thank you.

17 Q Just like you tried to get Sheikh Tahnoun as well as  
18 Ambassador Otaiba to meet Donald Trump during the campaign,  
19 did you just the same make efforts to get the emir of Qatar to  
20 also meet with Donald Trump during his campaign?

21 A Yes, I did.

22 MR. SCHACHTER: I'm going to show you what's in  
23 evidence as Barrack Exhibit 3092.

24 Q Can you tell us who is that?

25 A That's the emir of Qatar, Sheikh Tamim on top.

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1 Q Were you actually successful in getting the emir of Qatar  
2 to sit down with Donald Trump during the campaign?

3 A Yes.

4 Q Approximately when did that meeting happen?

5 A I believe the first week of September in 2016.

6 Q And where did that meeting take place?

7 A In Mr. Trump's apartment in New York City.

8 Q And now just to be clear, what was the relationship  
9 between UAE and Qatar in September of 2016?

10 A Strained.

11 Q If you were an agent of the UAE, as you are accused of,  
12 why would you introduce the emir of Qatar to Donald Trump?

13 A It would've not been a wise agent move in my opinion.

14 Q Why did you want to do it?

15 A With Sheikh Tamim?

16 Q Yes.

17 A Again, I held him in such high respect as a new young  
18 leader. He had just been the emir for two or three years and  
19 he was the first Arab son to succeed to a throne during the  
20 life of the father in as many years as anybody can remember.  
21 Western-educated, super smart, loved America. I thought it  
22 would be a great milestone for the candidate to visit with.

23 Q Can you tell us what was discussed between that meeting  
24 with Donald Trump and the emir of Qatar?

25 A Well, as everybody can now imagine, the first thing was



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1 anything but politics; it was football. Football, European  
2 football, soccer. By this time Sheikh Tamim had owned Paris  
3 Saint-Germain, and candidate Trump was an avid sports man. And  
4 in that meeting was Melania and Barron, and Barron was a  
5 soccer player. So the first 10 minutes or so were about  
6 soccer. PSG at that time, I think at that time already Qatar  
7 had been awarded the 2022 World Cup which is coming up, which  
8 is a huge thing in soccer. That was the beginning of the  
9 meeting.

10 Q What else was discussed in very general terms?

11 A Mr. Trump explained to him at the time kind of out of the  
12 chute after we got through soccer that he had great admiration  
13 for him through me, that he knew that they were partners of  
14 mine for many years, that he had met Mohammed bin Jassim --

15 MR. NITZE: Hearsay objection to this line.

16 THE COURT: Sustained.

17 Q Let me ask you this, Mr. Barrack. How did the subject of  
18 the conversation that occurred between Donald Trump and the  
19 emir of Qatar, how did that compare to the kind of  
20 conversation that you were hoping that Sheikh Tahnoun or  
21 Ambassador Otaiba would have with Donald Trump?

22 A It was representative of what I hoped would somehow  
23 evolve amongst them.

24 Q All right. Now did you also make efforts to get a man  
25 named Prince Alwaleed meet with Donald Trump during the

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1 campaign?

2 A Yes, I did.

3 MR. SCHACHTER: I'm going to show you what we have  
4 marked as Barrack 602 for identification and we'll offer --

5 Q Let me ask, is that a text exchange you had with Prince  
6 Alwaleed?

7 A Yes, sir.

8 Q Who is Prince Alwaleed?

9 A Prince Alwaleed bin Talal is the son of ex-King who was  
10 at that time probably the most notable Saudi Arabian global  
11 investor. For the jury, he was the largest shareholder in  
12 Citibank, for instance. He bought the Plaza Hotel from Donald  
13 Trump. He was the most westernized of the Saudi prince  
14 businessmen.

15 MR. SCHACHTER: We'll offer Barrack Exhibit 602.

16 MR. NITZE: We have a hearsay objection.

17 MR. SCHACHTER: This is not offered for the truth,  
18 it's offered to show Mr. Barrack's state of mind.

19 MR. NITZE: If not for truth, then with that  
20 limitation.

21 MR. LOWELL: No objection.

22 THE COURT: Hold on a second.

23 It is still relevant even if it's not true. It  
24 shows his state of mind.

25 Objection, overruled.

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1 MR. NITZE: I just was saying, but if it's not for  
2 its truth then.

3 THE COURT: Yes. Again, ladies and gentlemen, this  
4 is not being offered to show that any of the statements in it  
5 are true.

6 (Barrack Exhibit 602, was received in evidence.)

7 Q Mr. Barrack, you wrote: I know you do and I have  
8 publicly admonished him for the silly comments. You and he on  
9 the same wave length for once could solve most of the world's  
10 problems. God knows that both of our countries need  
11 inspirational leadership. Nobody is better than you.

12 Please explain what you meant in that text message  
13 to Prince Alwaleed.

14 A Again, he's telling me in a polite way that I'm out of my  
15 mind in this situation. And I'm again just asking him to sit  
16 in a room and have a conversation with candidate Trump. They  
17 are both businessmen, they are both smart. They both want the  
18 best for their own countries and if they just put a little  
19 time and effort into it I think they'll find some  
20 understanding, if nothing else.

21 MR. SCHACHTER: I'm going to show you what has been  
22 marked for identification as Barrack Exhibit 1102, witness and  
23 counsel only please.

24 Q Do you recognize who is in this photo?

25 A I do.

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1 Q Your Honor -- is that you and Prince Alwaleed?

2 A Yes. It's prince Alwaleed to the right.

3 MR. SCHACHTER: We'll offer Barrack Exhibit 1102.

4 MR. NITZE: No objection.

5 MR. LOWELL: No objection.

6 THE COURT: Received.

7 (Barrack Exhibit 1102, was received in evidence.)

8 Q So it's -- I'm sorry you just said Prince Alwaleed is  
9 over to the right?

10 A Yes.

11 Q Can you explain where are you in this photograph? What  
12 is this photograph of?

13 A This is the prince's desert weekend majlis where he  
14 receives -- each of these princes have a tribe, it's like the  
15 Mayor of the city, and those individuals rely on the prince  
16 for resolution of conflicts. If one of them is taking the  
17 other's water, if there is a dispute over who owns a camel, if  
18 they need money if they need -- whatever they need they  
19 present their petitions over a 18-hour period and the prince  
20 feeds them and decides on those issues.

21 This is one of those weekends in the desert.

22 MR. SCHACHTER: All right. You can take that down,  
23 Mr. McLeod.

24 Q Now in addition to the emir of Qatar, were you also  
25 successful in introducing, during the campaign, other world

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1 leaders to Donald Trump?

2 A Yes.

3 Q Who did you introduce to Donald Trump or to Jared  
4 Kushner?

5 A Yes. I mean to both kind of simultaneously in Mexico.  
6 You remember we had two gigantic issues going in Mexico,  
7 NAFTA, the North American Free Trade Agreement. Candidate  
8 Trump had come out and said had to be ended, and immigration,  
9 building the wall across the border in Mexico. The Mexicans  
10 were not excited about either of those opportunities and so I  
11 introduced Jared to the foreign minister, who at the time was  
12 the finance minister Luis Videgaray Caso.

13 Q Did you -- by the way, in scheduling a meeting between  
14 Jared Kushner and the finance minister of Mexico, were you  
15 acting as an illegal agent of Mexico?

16 A I was not.

17 Q And why did you think it was important for Donald Trump  
18 or people around him to have contact with the former foreign  
19 minister then finance minister of Mexico?

20 A Again, I thought at this point in his candidacy that he  
21 had to attract more moderate constituents and more moderate  
22 constituents were very uncomfortable with these kind of  
23 outrageous claims.

24 The Mexican community -- if you remember, he had  
25 made statements that the Mexicans who were coming to us were

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1 rapists. Many Americans were just outraged. So I was trying  
2 to get common ground to come back to have him step back from  
3 some of those things that I knew he didn't really believe.

4 Q Were you also involved in setting up meetings with the  
5 other leaders, Argentina or Peru?

6 A Yes. PPK was the president of Peru at the time.

7 Q Who is that?

8 A He goes by PPK, it's Pedro Kuczynski. He's actually a  
9 Princeton professor also. I introduced him to them. Latin  
10 America was having the Summit of Americas in 2018 and Latin  
11 America was also seeking American support and intervention to  
12 help them.

13 President Macri in Argentina, President Trump had  
14 known when they were younger and I reintroduced them also.

15 Q All right. Now by the way, for similar reasons in  
16 addition to world leaders, did you try to get Donald Trump to  
17 meet with environmental advocates?

18 A I did.

19 Q Can you tell us about that?

20 A Yes. If you remember we're digging in problem after  
21 problem, it's like revisiting the parade of horrors, but at  
22 this time the Paris Treaty was also something -- the two  
23 European issues that were on the stage at that time was NATO,  
24 North Atlantic Treaty Alliance and the Paris Treaty, which had  
25 to do with climate change.

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1 And candidate Trump had attacked the Paris Treaty  
2 along with regulations for the Environmental Protection  
3 Agency, and other things. So Leo DiCaprio, who was a friend  
4 was outraged and I suggested to Leo, the same way I suggested  
5 to some of these world leaders, that why don't you sit down  
6 and have a conversation with him.

7 Q Did that -- was that successful? Did that happen?

8 A It was not successful, and it did happen.

9 Q Okay. And by the way, were you in, setting up that  
10 meeting, acting as an illegal agent of Leonardo DiCaprio?

11 A I wish I could have, but that wasn't the case.

12 Q All right. Did there come a time when you met with  
13 Sheikh Tahnoun a second time?

14 A Yes, sir.

15 Q And where and approximately when was that?

16 A It was in Morocco in August of 2016.

17 Q Now, you had first met with him in the beginning of May,  
18 and this was now the beginning of August and I believe you  
19 said that you had invited Sheikh Tahnoun to come visit you at  
20 your ranch in California back when you saw him in May; is that  
21 right?

22 A Yes.

23 Q Had he done anything to accept your invitation between  
24 May and August?

25 A No.

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1 Q Now, when you went to go see him in Morocco, who were you  
2 planning to travel with to that region?

3 A Well, in addition to people in my own staff, originally I  
4 had invited Paul Manafort to join me.

5 MR. SCHACHTER: I'm going to show you what has been  
6 marked for identification as Barrack Exhibit 14, and we have  
7 just the top -- I'm sorry, just for identification but we're  
8 just going to do the top email. So just the top email we'll  
9 offer, Barrack Exhibit 14.

10 MR. NITZE: No objection.

11 MR. LOWELL: No objection.

12 THE COURT: Received.

13 (Barrack Exhibit 14, was received in evidence.)

14 Q So this is August the 1st, you sent an email to Paul  
15 Manafort and you talk about the travel plans?

16 A Yes.

17 Q You mentioned Thursday with Sheikh Tahnoun, but was he  
18 the only foreign leader you had been planning on seeing with  
19 Mr. Manafort during this trip?

20 A No.

21 Q Who else were you planning on seeing with him during that  
22 same trip?

23 A In a different geographic destination, HBJ, Hamad bin  
24 Jassim, who we talked about previously, the ex-prime minister  
25 of Qatar. The father emir of Qatar, Sheikh Hamad in this



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1 text, which is Sheikh Hamad bin Khalifa Al Thani, and his  
2 sons, primarily the son Khalifa, Sheikh Khalifa.

3 Q Did you think that bringing Paul Manafort to meet with  
4 these various people would be of some interest to them?

5 A I did. I did.

6 Q Why?

7 A He was the campaign manager at that time so rather than  
8 me getting way over my skis and trying to explain campaign  
9 issues, I could wax poetic on the business issues on the  
10 things I knew and he could talk about the campaign.

11 Q Just to be clear, did you think there was anything  
12 improper about the campaign manager talking about the  
13 campaign?

14 A Not at all.

15 Q Did Paul Manafort end up coming?

16 A He did not.

17 Q Why not?

18 A At that time things were hot and heavy in the campaign.  
19 I had told the candidate Trump that I was going to Morocco and  
20 I wanted to take Paul with me. He thought it was a terrible  
21 idea, that he wanted Paul to continue on his day job. Paul  
22 was also in a kind of a food fight in the campaign at the time  
23 with Corey Lewandowski for territorial claim and decided if he  
24 left his desk it may not be there when he got back.

25 MR. SCHACHTER: I'm now going to show you what's in

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1 evidence as Government Exhibit 263. If we can look at the  
2 second page, please, Mr. McLeod, so we can see the beginning  
3 of that email chain. That's okay. I think this is  
4 probably -- do you have a second page? Great. Thank you.

5 Q You wrote at the bottom, and this is an email chain with  
6 Rashid Al Malik; is that right?

7 A Yes.

8 Q You wrote at the bottom: Paul M not join us. Is that  
9 for the reason that you just described?

10 A Yes.

11 Q If we can just go up the email chain. You wrote: I am  
12 empowered to handle all, better this way. Very sensitive and  
13 I have all the authority. Very sensitive. And lots of  
14 exclamation points.

15 Can you explain why you wrote that?

16 A I wanted -- I knew they would probably be disappointed  
17 that they couldn't speak about this Muslim ban with somebody  
18 who was actually empowered by the campaign, but I talked to  
19 President Trump about it and he said he'd do the right thing.

20 Q All right. And I mean -- well, if we can look at this  
21 and also a little further up you also wrote: I just spoke to  
22 Trump about this for an hour and we decided this is the best  
23 method. Is it really establish a, and then you just left it.

24 Let me ask you a question. Mr. Barrack, your manner  
25 of emailing and text messaging, do you type or do you have a

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1 different way of writing emails and text messages?

2 A I dictate a lot of time, so the auto correct sometimes  
3 doesn't work. I'm driving or running or doing something else.

4 Q Okay. So just the -- when you said I'm empowered to  
5 handle all, what did you mean by that?

6 A I can handle both sides, the business side and the  
7 campaign side.

8 Q And then just one last question on this, the government  
9 got read in, Rashid says, they are even trying not to pass  
10 immigration process off the grid.

11 What did you understand that to mean? I mean, you  
12 didn't write that email; is that correct?

13 A No, but that's -- there's nothing funny by that. That  
14 happens in almost every instance. We're coming in a private  
15 plane. Tangiers airport, for anybody who has seen some of the  
16 Moroccan movies, is the worst airport in the world and getting  
17 through customs is an impossibility, so what they're talking  
18 about is we organize it so you don't have to go through normal  
19 customs immigration.

20 Q But to be clear, that's your understanding, this is not  
21 your email, right?

22 A That's correct.

23 Q You don't have the power to read Rashid's mind whatever  
24 it is he meant?

25 A I do not.

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1 MR. NITZE: Objection.

2 THE COURT: Sustained.

3 MR. SCHACHTER: Okay. You can take that down.

4 Okay. Now in advance of that -- I'm going to show you an  
5 email that you received in advance of that meeting I believe.  
6 If I can show you what's in evidence as Government  
7 Exhibit 264.

8 Q So this is August the 2nd. Do you happen to recall your  
9 meeting with Sheikh Tahnoun, it was like August the 3rd?

10 A Yes.

11 Q And this is something Rashid sends to you copying  
12 Mr. Grimes. You will love this. UAE/U.S.A. facts; is that  
13 right?

14 A Yes.

15 Q And if we can look also at Government Exhibit 415 -- I'm  
16 sorry, let's look at the attachment to that if we can.

17 We've seen this now, I think we saw this during  
18 Professor Haykel's testimony, a bunch of facts about UAE and  
19 U.S. relations; is that right?

20 A Yes.

21 Q Did you understand this was sent to you in advance of  
22 your meeting with Sheikh Tahnoun to prepare you for that  
23 meeting?

24 A Yes.

25 Q If I can also show you what's in evidence as Government

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1 Exhibit 415. This is August 3rd, Matthew sends to you a  
2 number of things labeled -- a document labeled UAE package?

3 A I see it.

4 MR. SCHACHTER: And then, Mr. McLeod, if we can just  
5 go through with the materials that Matthew sent to  
6 Mr. Barrack.

7 Q Is that the same document that Rashid sent you also in  
8 preparation for this meeting?

9 A It appears to be.

10 MR. SCHACHTER: If we can just look through each  
11 page.

12 Q By the way, we saw earlier with respect to those facts  
13 you recall testimony from Professor Haykel much of this is  
14 just pulled from the UAE's website. Did you know that at the  
15 time that the same information was on the website, one way or  
16 the other?

17 A I assumed it was, yes.

18 MR. SCHACHTER: If we can look at the -- I'm sorry,  
19 can we go back, Mr. McLeod. I'm sorry, I'm lost now. Can you  
20 go back to the last page of the facts, then if we can go to  
21 the next page slowly.

22 Q There is a biography of Mohammed bin Zayed; is that  
23 right?

24 A Yes.

25 Q Look at the next page sent to you, a press release

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1 announcing Sheikh Tahnoun as National Security Advisor; is  
2 that right?

3 A Yes.

4 Q If we can go to the next page. This is a press release  
5 or news article about First Gulf Bank; is that right?

6 A Correct.

7 Q Again, what did First Gulf Bank have to do with Sheikh  
8 Tahnoun?

9 A He was the primary shareholder and the chairman of First  
10 Gulf Bank which then merged with the National Bank of Abu  
11 Dhabi.

12 MR. SCHACHTER: I just want to make sure there are  
13 no other pages, flip through and see -- oh, I see.

14 Q There is a highlighted was a quote by Sheikh Tahnoun,  
15 chairman of First Gulf Bank; is that right?

16 A Correct.

17 Q These are all materials that you understood Matthew was  
18 sending to you in advance of your meeting with Sheikh Tahnoun?

19 A Yes.

20 Q Okay.

21 MR. SCHACHTER: You can take that down, Mr. McLeod.

22 Q Let's talk about this meeting with Sheikh Tahnoun in  
23 Morocco. What happened when you arrived in Morocco?

24 A We were escorted through the airport, taken in a van to a  
25 hotel in Tangiers, waited there for a couple of hours, then I

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1 was picked up by the van and proceeded to Sheikh Tahnoun's  
2 yacht, which was parked at the port in Tangiers.

3 Q And I'm going to show you what has been received in  
4 evidence as Barrack Exhibit 994.

5 Who is in this photo and where is this taken?

6 A It's taken at the port of Tangiers outside of Sheikh  
7 Tahnoun's boat. That's Sheikh Tahnoun on the right and that's  
8 my fearful face on the left.

9 Q You don't look like you're dressed for a business  
10 meeting. Had you been told what you were going to be doing  
11 that day?

12 A Yes.

13 Q What were you told?

14 A That we were going on a bike ride up a Moroccan mountain.

15 Q I don't see -- by the way, did Matthew fly to Morocco  
16 with you?

17 A Yes.

18 Q I don't see him in his photo, was he with you for this  
19 bike ride?

20 A No, no, I left him at the hotel.

21 Q And so you go to the boat and what happens there, and  
22 then what happens next.

23 A I go to the boat and then, as I recall, I went with part  
24 of the team. There were multiple people, I think 10  
25 professional cyclists, a doctor, his staff, and we proceeded

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1 to a starting point where we were going to take off with the  
2 bikes and at the same time I think a car went and picked up  
3 Rashid and some of the other team from the hotel and brought  
4 them to that point.

5 Q And then what happened? You got to the -- you're taken  
6 to some point, can you tell us what happens there?

7 A So we're talking -- on the way we're talking about his  
8 training regime, which was a little over my skis. He was  
9 biking about 75 miles a day at the time, which was only  
10 74 miles more than I wanted to bike in 110-degree weather.

11 So we got to the designated point and he assigned a  
12 bright young Serbian cycling professional to me and he took  
13 off with a team of 10 or 15. We biked through the desert for  
14 an hour and a half or so. He was finishing when I was at the  
15 halfway point.

16 Q I'll show you a few photos of that. If we can look at  
17 what's in evidence as Government Exhibit 535.

18 What are we looking at here?

19 A We're looking at kind of the beginning of the bike trek.  
20 That's Sheikh Tahnoun on the left, I think that's Rashid in  
21 the middle, that's me and my assigned cycling pro to the  
22 right.

23 Q What was your understanding as to whether Rashid had  
24 actually ever met Sheikh Tahnoun before this?

25 A I don't think he had.



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1 Q And if we can also look at Barrack --

2 MR. SCHACHTER: Actually we'll offer Barrack's  
3 Exhibits 944, 945, 943 and 942, all photographs. I guess we  
4 can show the witness and counsel, so the government can see  
5 them.

6 You can just cycle through them, Mr. McLeod.

7 MR. NITZE: Is that the end, those three?

8 MR. SCHACHTER: I think it was four.

9 MR. NITZE: I think I missed one. Sorry.

10 THE COURT: I thought it was three. Did I miss it  
11 too?

12 MR. SCHACHTER: 942, 943, 944 and 945.

13 MR. NITZE: No objection.

14 MR. LOWELL: No objection.

15 THE COURT: Received.

16 (Barrack Exhibits 942, 943, 944 and 945, were  
17 received in evidence.)

18 Q If we can look first -- let's look first at 944. So what  
19 are we looking at here?

20 A Again, the getting ready to get ready part.

21 Q If we can look at 945. Same?

22 A Yes.

23 Q Who are these people that are all kind of milling about?

24 A Most of what you see there, who are not in the cycling  
25 gear, are his staff.

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1 Q Then if we can look at 943. This is a picture of you and  
2 Sheikh Tahnoun on bikes?

3 A It is.

4 Q Was this about the last time you saw him next to him on  
5 the bike?

6 A Unfortunately, yes.

7 Q And if you can look at the last one, which is 942, who is  
8 that guy?

9 A This is my Serbian assigned cycle pro.

10 MR. SCHACHTER: You can take that down, Mr. McLeod.

11 Q What happened after this -- how long was this bike ride?

12 A Maybe an hour and a half.

13 Q And then what happened next?

14 A Then we got in vans and headed back to his boat.

15 Q What happened there?

16 A We had tea, talked about -- it was beautiful, the time I  
17 think we were there just as the sun was setting over the  
18 mountains and it was, it was gorgeous. So we talked about  
19 Morocco. The UAE and Morocco had had a close relationship for  
20 years. As a matter of fact, they had been trying to get  
21 Morocco to join the GCC, so we talked about that.

22 And we talked about food security. Morocco -- the  
23 poverty level in Morocco is terrible, and Africa in general  
24 even though we call it the Arab world, we're dealing with  
25 Africa was the future of the food basket for the Middle East.

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1 So we talked about how important it was for him to start  
2 making investments in areas that would be fruitful, excuse the  
3 pun, for food security. And I had mentioned to him that we,  
4 Colony, were in the middle of a transaction with Dole, which  
5 was one of the largest and most prestigious food growers and  
6 developers in the world and that it's something I thought he  
7 might be interested in.

8 Q At some point during this conversation did he mention  
9 Mohammed bin Salman?

10 A He did.

11 Q That's the crown prince of Saudi Arabia?

12 A Yes, sir.

13 Q What did he say?

14 A He asked if I had ever met MBS; I said no, that I knew  
15 his father. His father, the king, King Salman -- I know that  
16 all of these names start getting unbelievably confusing, but  
17 "bin" means son of. So every time we talk about Mohammed bin  
18 Salman it means Salman is the father, Salman was the king. So  
19 I knew him when he was the governor of Riyadh and I knew many  
20 of MBS's brothers and I shared that with Sheikh Tahnoun.

21 Q What else did he say?

22 A He said he's here, would you like to visit him. And I --

23 Q What did you say?

24 A Absolutely.

25 Q Now, in this discussion that you had with Sheikh Tahnoun

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1 now the second time that you had a conversation with him in  
2 your life, did he ask you if you'd like to become a foreign  
3 agent for the country of UAE?

4 A He did not.

5 Q Did you offer your services as foreign agent for the UAE?

6 A I did not.

7 Q Did you then see Mohammed bin Salman in Morocco?

8 A I did.

9 Q I'm going to show you, just so the jury is able to  
10 picture who we're talking about, if we can put in evidence --  
11 show in evidence, Barrack 1057.

12 The guy on the left is Mohammed bin Salman, the guy  
13 you saw in Morocco?

14 A Yes.

15 MR. SCHACHTER: Okay. You can take that down.

16 (Continued on the next page.)

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1 DIRECT EXAMINATION

2 BY MR. SCHACHTER: (Continuing)

3 Q Tell us about what happened when you met Mohammed bin  
4 Salman. Where did you go and what happened?

5 A So I went back to the hotel to change clothes and was  
6 picked up in a van to go to his father's palace, as I recall.  
7 The Saudis summered in Morocco. They wanted to be near the  
8 sea. It was King Salman's palace, which was magnificent. It  
9 was like Arabian nights. It was 8 o'clock at night, something  
10 like that.

11 I had a little more credibility now because Trump  
12 was actually the candidate. Still, they didn't believe that  
13 he would be successful in the campaign against Secretary of  
14 State Clinton, but at least we had gone through one barrier.

15 So I went to the palace and in typical Arab style  
16 went to one of his majlises. Again, the majlis is a room this  
17 size with seats and couches against all the walls and a prince  
18 like this, there would be five or six of these majlises filled  
19 with people waiting to see him. And I took my spot in one of  
20 those majlises.

21 Q And then what happened?

22 A I was there for probably 45 minutes drinking tea, coffee,  
23 coffee, tea, tea, coffee, and then the Prince's assistant came  
24 to get me and brought me into his private office.

25 Q Tell us what happened then.

Barrack - direct- Schachter

1 A We went through the usual Arab introductions. He spoke  
2 no English to me at that time, and my Arabic wasn't fast  
3 enough to keep up with him full-time, so his assistant stayed  
4 to help us through it, and he enthusiastically just started  
5 giving me a history of Saudi Arabia.

6 I told him that I knew his father. I told him that  
7 I had started life as a young pup as a lawyer in the middle of  
8 the desert and it's one of the things that changed my life. I  
9 have an appreciation for the Arab culture. And he said Well,  
10 let me give you a little bit of background. And for 50  
11 minutes he gave me a history in a cadence that I had never  
12 heard with facts that I had never heard. And at the end of  
13 that time, he said I have to go, but I would love to have a  
14 continued conversation with you. I wish you the best. I'm  
15 always available for a dialogue with you or anybody you think  
16 I should speak with and that was it.

17 Q And where did you go after that?

18 A Back to the hotel.

19 Q Now, to be clear, you're not charged with being a Saudi  
20 foreign agent, but I just want to confirm. At any point  
21 during that conversation with Mohammed bin Salman, did he ask  
22 you to agree if you would operate subject to the direction or  
23 control of Saudi Arabia?

24 A Of course not.

25 Q Did you tell him that you would be interested in being a

Barrack - direct- Schachter

1 Saudi foreign agent?

2 A Absolutely not.

3 Q Okay. Now, I want to show you what has been received in  
4 evidence as Government Exhibit 269. If we look at the bottom  
5 e-mail, this is an e-mail --

6 MR. SCHACHTER: You don't need to blow it up, Mr.  
7 McLeod.

8 Q -- August the 4th, that's the day after your meeting with  
9 Sheikh Tahnoun; is that right?

10 A Yes, it is.

11 Q And you e-mailed Justin Chang send me Dole deck for  
12 Sheikh Tahnoun. Do you see that?

13 A Yes.

14 Q Why did you ask Mr. Chang to send you the Dole deck?

15 A I was following up on what I had discussed with Sheikh  
16 Tahnoun on food security. Justin was the deal guy. We  
17 assigned one of our executives to each project and he was the  
18 deal guy that I had assigned to Dole.

19 Q And if we can look at in evidence Government Exhibit 271.  
20 You then took that Dole presentation and you forwarded it on  
21 to Rashid Al Malik; is that right?

22 A Yes.

23 MR. SCHACHTER: And then, if we can look at -- I'm  
24 not entirely sure if it's in evidence. If not, we will offer  
25 Government Exhibit 77.

Barrack - direct- Schachter

1 Witness and counsel only, please, Mr. McLeod.

2 MR. NITZE: I think it's in. No objection. I think  
3 it's in evidence.

4 THE COURT: It's in now.

5 MR. SCHACHTER: Thank you, Your Honor.

6 THE COURT: Sure.

7 (Government Exhibit 77, was received in evidence.)

8 Q So you sent the Dole deck to Rashid. Was that to send on  
9 to Sheikh Tahnoun?

10 A Yes. I didn't have any contact information for Sheikh  
11 Tahnoun.

12 Q Okay. And this is now three days later, Rashid had sent  
13 to you -- what is he sending to you here?

14 A Sheikh Tahnoun's e-mail address, I believe.

15 Q Okay. So let's just be clear. So you met Sheikh Tahnoun  
16 on May the 1st and now it's August the 7th and you didn't have  
17 his e-mail address; is that correct?

18 A That's correct.

19 Q And just to be clear, aside from that, you met with him  
20 on May the 1st and then you saw him on August the 3rd, did you  
21 have any contact with Sheikh Tahnoun at all during then until  
22 the time when Rashid sends to you Sheikh Tahnoun's e-mail  
23 address?

24 A I did not.

25 Q Now, by the way, before you visited Sheikh Tahnoun, did



Barrack - direct- Schachter

1 you tell people at Colony Capital that you were about to have  
2 this second meeting with Sheikh Tahnoun in Morocco?

3 A I did.

4 Q Why?

5 A The same reason that we revisited before: Everybody's  
6 working towards establishing these relationships with  
7 investors with deals across the realm and the more we share  
8 with each other, the more touch points we get as to what's  
9 important, what's not. I don't know what's being marketed to  
10 any of Abu Dhabi's entities or Sheikh Tahnoun's particular  
11 entities, so we update each other on what's happening.

12 Q And did those communications inform your thinking heading  
13 into that meeting with Sheikh Tahnoun?

14 A They did.

15 Q Let me show what we've marked for identification as  
16 Barrack Exhibit 15. Is this a communication that you had with  
17 Sylvio Tabet in advance of this meeting with Sheikh Tahnoun?

18 A It is.

19 MR. SCHACHTER: We offer Barrack Exhibit 15, not for  
20 truth, Your Honor, just to show what was informing Mr.  
21 Barrack's thinking.

22 MR. NITZE: We have a hearsay objection and we also  
23 have previous rulings about state of mind of employees. I'm  
24 not sure -- there is no response from Mr. Barrack. I'm not  
25 sure what the relevance is if not for truth.

Barrack - direct- Schachter

1 MR. SCHACHTER: We're offering to what informed --  
2 this is in advance of the meeting.

3 THE COURT: It shows the knowledge base that Mr.  
4 Barrack had. Whether the information given in this is true or  
5 not, ladies and gentlemen, again, it doesn't really matter, he  
6 was given this information. It's admitted on that basis.

7 (Barrack Exhibit 15, was received in evidence.)

8 Q Mr. Tabet is your employee in the Middle East?

9 A Yes, sir.

10 Q Okay. This is the day before your meeting with Sheikh  
11 Tahnoun; is that correct?

12 A It is.

13 Q And he writes ADIC CLO discussions.

14 Can you explain what is the reference ADIC, CLO  
15 discussions.

16 A So, ADIC, as was described in our sovereign wealth fund  
17 discussion is another Abu Dhabi sovereign wealth fund. It's  
18 not an ADIA. It is a sister company, Abu Dhabi Investment  
19 Corp., and a CLO -- again, when we were talking about kind of  
20 the two spheres of Colony's business, one being equity, one  
21 being assets, and the other being debt, this is just a Wall  
22 Street form of dividing up kinds of debt called a  
23 collateralized loan obligation. It's in the parlance called a  
24 structure derivative, which is just a product. The way to  
25 look at it is our guys are saying we're trying to sell this

Barrack - direct- Schachter

1 product, we are trying to sell it ADIC and ADIA and we haven't  
2 been making much headway.

3 Q Mr. Tabet writes, Dear Tom, I learned from JG --

4 A John Grunzweig was the Chief Investment Officer of Colony  
5 at the time.

6 Q -- that you may be seeing the Crown Prince Sheikh  
7 Mohammed bin Zayed or Sheikh Tahnoun this week or next and  
8 that you may refer to the current state of dialogue between  
9 our institutions, such as the CLO with ADIC and ADIA. John  
10 asked me to brief you as to the discussions with ADIC.

11 And then is what follows sort of an update on the  
12 current dialogue regarding potentially selling this product.

13 A It is.

14 Q And then he also informs you, in the bottom paragraph  
15 that we're seeing on the screen, kindly note that the Crown  
16 Prince is the new chairman of ADIC since last year.

17 Do you see that.

18 A I do.

19 Q If we can look a little further down. Does Mr. Tabet  
20 also provide you --

21 MR. SCHACHTER: Further down. Thank you.

22 Q -- additional information about ADIC, including Mohammed  
23 bin Zayed's role in ADIC?

24 A He does.

25 Q He also providing you with information about ADIC being

Barrack - direct- Schachter

1 spun off from ADIA, the Abu Dhabi Investment Authority?

2 A Yes.

3 MR. SCHACHTER: You can take that down, Mr. McLeod,  
4 thank you.

5 Q Now, I'm going to show you what is in evidence as  
6 Government Exhibit 272. On August the 10th, you wrote -- and  
7 we saw that was an e-mail from Mr. Tabet to you before the  
8 meeting with Sheikh Tahnoun. This is now after meeting, and  
9 you wrote to Mr. Tabet, We hit the jackpot in the Middle East.  
10 I will bring you up to speed this weekend.

11 He says wonderful news, exclamation points.

12 Is that part of the training at Colony Capital,  
13 punctuation.

14 A Yeah. Unfortunately, I passed it on to Matthew. I don't  
15 know where it came from.

16 Q All right. And what did you mean when you told Mr. Tabet  
17 we hit the jackpot in the Middle East?

18 A That I had had a meeting with MBS and another meeting  
19 with Sheikh Tahnoun.

20 Q All right. And why is that jackpot? Why is that good  
21 for Colony?

22 A So if you took the top 100 private equity firms, 15 or 20  
23 of them have ownership by some of these sovereign wealth  
24 funds. The rest are all envious of trying to create a  
25 relationship with them.

Barrack - direct- Schachter

1           Again, as we talked about, these people that I'm  
2 talking about don't know what a CLO is. They have no idea  
3 what those kinds products are but that reputational capital is  
4 important. So you start at the bottom and you start at the  
5 top. So, to have an opportunity especially at that point in  
6 time to visit with MBS especially was huge.

7       Q     I don't want to breeze too quickly past something that  
8 you just said. So you said that these sovereign wealth funds  
9 have ownership interest in many of the largest private equity  
10 firms in the world. Is that what you said?

11     A     Yes.

12     Q     Can you explain what that means?

13     A     Yes. So we talked about funds yesterday. That's a  
14 distinct investment in a distinct product.

15           In addition to that, many of these sovereign wealth  
16 funds, as they have grown up, they've decided they want to own  
17 a part of the business, they want to own a part of, for  
18 instance, Colony. They want to own a part of Blackstone.

19           If you take the biggest sovereign wealth funds, take  
20 Silver Lake, and Silver Lake, it has I think nine percent  
21 ownership by Mubawab. If you take Aries, the same thing,  
22 about eight percent. Apollo, the same.

23           If you take Tower Capital Partners, its PIF is --  
24 and again, I'm sorry for these acronyms. PIF is Kuwait. PIF  
25 is Saudi Arabia.

Barrack - direct- Schachter

1 So Kuwait has TowerBrook. It has Silver Point.

2 You have 15 of the private equity firms that are  
3 actually owned by these entities in part, some minority  
4 position in the manager itself, in addition to being an  
5 investor in the fund.

6 Q I see. So that ownership is like Prince Alwaleed owning  
7 a portion of Citibank?

8 A Exactly.

9 Q Now -- and by the way, Mr. Tabet talks about how Colony  
10 was trying to market this CLO product to ADIC and ADIA; is  
11 that right?

12 A Yes.

13 Q Did ADIA or ADIC actually invest in that CLO product?

14 A They did not.

15 Q Even though you had met with Sheikh Tahnoun at that point  
16 twice?

17 A Yes.

18 Q I am going to show you what's in evidence as Government  
19 Exhibit 80. Once you received Sheikh Tahnoun's e-mail  
20 address, did you e-mail him?

21 A I did.

22 Q And I just want to go through this. You wrote, Your  
23 Highness, I'm still pumping endorphins and dopamine from you  
24 are an amazing bike ride. Thank you so much for your gracious  
25 hospitality. I'm sorry you did not receive my previous thank

Barrack - direct- Schachter

1 you notes. So what are you talking about there?

2 A I had sent him a thank you note, but, again, I didn't  
3 have his information, so I sent it to the wrong place  
4 obviously.

5 Q All right. Now, he says -- I'm sorry, you say, We are on  
6 track on all counts and I have updated your team.

7 You say, I'm going to be in Greece until August the  
8 30th and if you're somewhere in the region, I would love to  
9 come and see you for a couple hours and update you.

10 Do you see that.

11 A Yes.

12 Q To be clear, did Sheikh Tahnoun take you up on your  
13 invitation and find a way to see you while you were in Greece  
14 through August the 30th?

15 A He did not.

16 Q You wrote, I will have Paul Manafort with me and I think  
17 it would be an interesting to have another round of  
18 conversations about what's happening and our crafted a  
19 position on the Middle East.

20 What were you attempting to communicate to Sheikh  
21 Tahnoun.

22 A That I was going to have Paul with me who could better  
23 explain what I had talked to him about, our crafted position,  
24 meaning the Trump-crafted position on the Middle East, which  
25 was now changing.

Barrack - direct- Schachter

1 Q And that's a reference to changing positions on the  
2 Muslim ban?

3 A Yes.

4 Q Now, even though you said that you were going to have  
5 Paul Manafort with you in Greece through August the 30th,  
6 still Sheikh Tahnoun did not take up your invitation and find  
7 a way to see you in Greece?

8 A He did not.

9 Q And you wrote, Most importantly, my ranch is awaiting you  
10 in Santa Ynez, whenever you have the opportunity, I hope to  
11 see you soon and once again many thanks for your generosity  
12 and kindness.

13 Is that a reference, again, to the invitation that  
14 you had made for Sheikh Tahnoun to come visit you at your  
15 ranch.

16 A Yes.

17 Q Is that the invitation that he never accepted and never  
18 came to see you?

19 A Yes.

20 Q Now, I want to be clear about something. When you talk  
21 about -- you're offering to have a conversation with Sheikh  
22 Tahnoun about a position that the Trump campaign had  
23 announced; is that right?

24 A Yes.

25 Q Mr. Barrack, were you a private citizen?



Barrack - direct- Schachter

1 A Yes.

2 Q Did you think that there was any restrictions in the  
3 world on your ability to talk about a candidate's position  
4 with anyone you wanted to in the world, either with the  
5 campaign manager or without?

6 A I thought that was actually a great thing.

7 Q Why?

8 A The idea of having somebody that had knowledge in both  
9 confused arenas that could create some web of understanding of  
10 tolerance is what I know we all needed. I was so lit up. I  
11 was so excited that I could perhaps be some minor prod in that  
12 process.

13 Q All right. Okay. So that's the meetings with Sheikh  
14 Tahnoun.

15 I now want to change to a different topic. I want  
16 to talk to you about the -- do you remember the Government  
17 showed, during the course of this trial, like a PowerPoint  
18 that talked about strategy, UAE strategy.

19 Do you remember that?

20 A I do.

21 Q Okay. I am going to show you -- let's talk a little bit  
22 before then.

23 I am going to show you what's been admitted in  
24 evidence as Government Exhibit 73. This is an e-mail that you  
25 received from Rashid after your first meeting with Sheikh

Barrack - direct- Schachter

1 Tahnoun; is that right.

2 A Yes.

3 Q And he writes Tom, UAE/Saudi is the subject?

4 A Yes.

5 Q All right. He writes, Hi, Tom. Khalifa asked me to work  
6 together in building a strategy for us moving forward  
7 regardless of the future election results to maintain strong  
8 relationships and utilize what's already exists and benefit  
9 from it for UAE and Saudi and how to build on it.

10 And then he writes brief background, investments and  
11 assets, described the current situation and political climate,  
12 the potential of how to capitalize on what we have, a simple  
13 example where we can start, regards Rashid.

14 Do you see that.

15 A I do.

16 Q Okay. When he says building a strategy for us and then  
17 he says, Tom UAE/Saudi, what's your understanding of what he  
18 was talking about to the extent you understood?

19 A My belief of what he was talking about when he says us,  
20 it's he and Colony. And I think what he is saying is that the  
21 odds of the campaign being successful don't look very good, so  
22 let's figure out some strategy regardless of whether this  
23 candidates wins or not or whatever the platform is going  
24 forward of opportunities to take advantage of these  
25 relationships, a business plan. Saying regardless of what

Barrack - direct- Schachter

1 happens in the election, let's figure out a business plan.

2 Q Okay. And by the way, did you respond at all to Rashid's  
3 e-mail?

4 A No.

5 Q I'm going to show you what's in evidence as Government  
6 Exhibit 50. If you look at the very bottom -- bottom half, I  
7 suppose. Very bottom is good -- do you see that after you had  
8 ignored Rashid's e-mail, Rashid then, a few days later e-mails  
9 Matthew Grimes?

10 A Yes.

11 Q Is the topics that he writes to Matthew pretty much a  
12 very similar thing that he wrote to you?

13 A It is.

14 Q He writes, Brief background, investment in assets by  
15 Saudi and UAE, describe the current situation and political  
16 climate and so on; right?

17 A Correct.

18 Q If we can look at the top of that.

19 Matthew then forwards this e-mail to you; is that  
20 right.

21 A Yes.

22 Q And he writes Tom, Rashid had mentioned ADIA investment  
23 you told me about on the way to Rancheros following your  
24 meeting with TBZ. Rashid said that Khalifa, and then he says,  
25 Tahnoun guy, had asked for a two- to three-page summary of

Barrack - direct- Schachter

1 what Rashid sent below, is this something you would like me to  
2 draft and send to you?

3 Do you see that.

4 A I do.

5 Q He writes Rashid had mentioned ADIA investment you told  
6 me, meaning you told Matthew about on the way to Rancheros; is  
7 that right?

8 A Yes.

9 Q What's Rancheros?

10 A Rancheros goes back to the two consistent themes in this  
11 case, football and horses.

12 Rancheros is a group that have a ride in the Santa  
13 Ynez mountains once a year at the time cows are having calves.  
14 It is kind of a community of cowboys getting together and  
15 helping gather those cattle, brand them, put them back with  
16 their moms, and this was a conversation that I had with him as  
17 I think we were coming home from that.

18 Q All right. And some mention of an ADIA investment, and  
19 then he identifies this guy Khalifa. It looks like that's  
20 misspelled; is that right?

21 A Yes.

22 Q And he refers to him as Tahnoun guy. Is that sort of how  
23 you understood Khalifa, to be a Tahnoun guy?

24 A Yes.

25 Q And he had asked for a two- to three-page summary of what

Barrack - direct- Schachter

1 Rashid sent below and he asks you a question is this something  
2 you would like me to draft and send to you.

3 Did you respond to Matthew's e-mail .

4 A I don't think so.

5 Q Now, I want to show what's in evidence as Government  
6 Exhibit 31. This is an e-mail that we saw from Matthew to  
7 Rashid, July 27, 2016, and it contains an attachment UAE  
8 strategy.

9 I want to be very clear on this Mr. Barrack. Are  
10 you on this e-mail.

11 A No.

12 Q All right. Let's look at what's attached.

13 By the way, this is an e-mail from Matthew to  
14 Rashid; right?

15 A Correct.

16 Q And have you seen, during the course of this trial, that  
17 this document is sent to anyone else?

18 A No.

19 Q Now, this version says, Crafting a stronger alliance and  
20 integration for the UAE, Saudi Arabia and USA, and it says  
21 presented by Thomas Barrack and Rashid Al Malik, August 2016.

22 Do you see that.

23 A I do.

24 Q Let's just --

25 MR. SCHACHTER: Can we flip through some of the

Barrack - direct- Schachter

1 slides. Good enough. Let's pause this. Let's go back to the  
2 front page, page 2 of the document.

3 Q So this one says -- the one that the Government  
4 introduced into evidence says, Presented by Thomas Barrack and  
5 Rashid Al Malik.

6 Now, I want to just look at the time of the e-mail  
7 that Rashid -- Matthew sends that to Rashid at 5:50.

8 Do you see that.

9 A I do.

10 MR. SCHACHTER: Okay. And now I'm going to offer  
11 what was marked for identification but not introduced into  
12 evidence yet and that is Government Exhibit 32.

13 For witness and counsel, please.

14 MR. NITZE: No objection.

15 MR. LOWELL: No objection.

16 THE COURT: Received.

17 (Government Exhibit 32, was received in evidence.)

18 Q So, is this an e-mail sent from Matthew Grimes to Rashid  
19 Al Malik about one minute after the e-mail that the Government  
20 had introduced earlier in the trial?

21 A It is.

22 Q Again, are you on this e-mail?

23 A No.

24 Q Okay. And let's look at now the cover of the  
25 presentation. Does your name appear?

Barrack - direct- Schachter

1 A No.

2 Q All right. And by the way, did you -- did you use this  
3 document in your meeting with Sheikh Tahnoun?

4 A No.

5 Q Did you ever use it in any meeting with anyone?

6 A Never.

7 Q Did you ever send it to anybody at all?

8 A No.

9 Q But I want to just ask a couple questions about a couple  
10 of pieces of this. Can we turn to page 5.

11 It talks about the UAE being a substantial economic  
12 power. Is that true, to your knowledge.

13 A Yes.

14 MR. SCHACHTER: I'm sorry. Page 5 of the  
15 PowerPoint, maybe two more pages. Well, I may have trouble  
16 finding it.

17 Q But there's references in this PowerPoint to the UAE  
18 investing to increase influence with the USA; is that right?

19 A I think -- I don't know unless we can find -- I didn't  
20 really read the document. I don't know.

21 Q Okay. But -- I understand that. And you didn't write  
22 this document; correct?

23 A No.

24 MR. NITZE: Leading, Your Honor. Objection to  
25 leading.

Barrack - direct- Schachter

1 Q Did you write this document?

2 A No.

3 Q Okay. To -- based on your understanding, at this point  
4 in time, in August of 2016, is there a presidential candidate  
5 who was getting a fair amount of support after announcing he  
6 wanted to ban all Muslims?

7 A Yes.

8 Q If I had asked you in August 2016 do you think there's  
9 anything wrong with a Middle Eastern country making  
10 investments with an eye towards improving its image and the  
11 image of the Muslim community in the United States, would you  
12 have thought anything was wrong with that?

13 A Quite the opposite.

14 Q What do you mean?

15 A I would have thought that was necessary to enhance the  
16 reputational capital of the well-meaning Muslims and Arabs all  
17 over the world who were doing the right thing.

18 Q You had experience of selling Paris Saint-Germain to  
19 Qatar; is that right?

20 A Yes.

21 Q What does it say on the JERSEYS of Paris Saint-Germain?

22 A Qatar.

23 Q Now, you talked about the money that Qatar had made in  
24 this investment. Did you understand that the investment had  
25 other purposes as well?



Barrack - direct- Schachter

1 A Yes. It was amazing. The reputational capital that it  
2 earned in France, especially, which is not easy to earn  
3 reputational capital if you are a foreign national of some  
4 sort, especially an Arab at that point in time, but the  
5 Parisians were so pleased that it was an honor for them to  
6 have somebody who was elevating the level of this club, as  
7 well as in the world marketplace.

8 Q All right. Let's switch to another topic. I want to  
9 talk to you about your various media appearances that the  
10 Government showed you and I would like to start by asking you  
11 about how they came about first.

12 Were you begging the TV interviewers to go on TV so  
13 you could talk about the UAE or did the request come the other  
14 way around?

15 A The request came the other way around, not to talk about  
16 the UAE, but the request to be in the media came the other  
17 way.

18 Q All right. So you get asked if you would appear on  
19 television?

20 A Yes.

21 Q Let's talk more generally about TV interviews.

22 Why did you do that? Why would you appear on  
23 television and speak about any array -- any of the array of  
24 subjects.

25 A Well, again, the simple answer is writing for the brand,

Barrack - direct- Schachter

1 what's the fastest and the best and the most prolific way to  
2 communicate is today: Twitter, Facebook, SnapChat. That's  
3 way beyond my technological ability. So, in kind of Jurassic  
4 Park terms, TV was media. The talking heads, all the things  
5 that the jury gets tired of hearing on TV was the norm. So  
6 those business channels especially are constantly looking for  
7 experts or people with credibility to help focus on a  
8 particular topic and I was lucky enough to be one of those  
9 individuals.

10 Q Did your investors and business partners ever speak to  
11 you about your TV appearances?

12 A Constantly, yes.

13 Q Now, in either of your meeting with Sheikh Tahnoun, did  
14 he provide you with any directions as to what you were to say  
15 on television?

16 A No, not at all.

17 Q Did he ever try to exercise control over you and what you  
18 said on television?

19 A Of course not.

20 Q And we saw during the course of this trial a number of  
21 television interviews that you did. Were any of those  
22 interviews just about the Middle East or did they also cover  
23 other topics?

24 A To the best of my recollection, they always covered other  
25 topics.

Barrack - direct- Schachter

1 Q Okay. I want to start by asking -- we're not going to  
2 look at these, but I just want to show you the front cover of  
3 the front page of Government Exhibit 901 in evidence.

4 MR. SCHACHTER: Just so Mr. Barrack can see what  
5 this is.

6 Q Okay. Well, do you recall that one of the interviews the  
7 jury saw was an excerpt of an interview that you gave with  
8 Bloomberg in which you were in sort of a checkered shirt and  
9 you looked outdoors?

10 A I do.

11 Q The interviewer was named Eric Schatzker?

12 A Correct.

13 MR. NITZE: Objection leading. I'm not doing it  
14 every time, but --

15 THE COURT: Try to control it, Mr. Schachter.

16 MR. SCHACHTER: Yes, Your Honor.

17 Q Do you see the number 27 at the bottom of this?

18 A I do.

19 Q Okay. What's your understanding as to what that means  
20 about the length of the interview?

21 A 27 minutes and 11 seconds.

22 Q Did you only speak to Eric Schatzker?

23 By the way, where did that interview take place.

24 A At our family ranch in Santa Ynez, California.

25 Q Did you only speak to Eric Schatzker for the 27 minutes?

Barrack - direct- Schachter

1 A No.

2 Q How long was that interview in total?

3 A Hours.

4 Q Now, you heard the Government say earlier in this trial  
5 that you were trying to manipulate the American public and  
6 engage in UAE propaganda.

7 Were you trying to spread UAE propaganda in this  
8 interview.

9 A Not at all.

10 Q I want to ask you about portions of it. I'd like to  
11 start by showing you what has been --

12 MR. SCHACHTER: I think it's in evidence as Barrack  
13 851-T, which is just a transcript, Your Honor, we offer it  
14 only as an aid to the jury, a portion of that interview.

15 Q I would like to focus you on lines 300 to 319.

16 The interviewer asked you of the things he said he  
17 would do as President, what are you most supportive of?

18 And then you answer, you said, Well, look, it's so  
19 complicated. Starting with the things that I'm most upset at  
20 us, meaning all of us, and then you go on. You recall you  
21 talked about a number of topics.

22 Do you remember that?

23 A I do.

24 Q Did you -- of those things that you were most concerned  
25 about, do you recall the UAE wasn't one of the things that you

Barrack - direct- Schachter

1 talked about?

2 A Absolutely.

3 Q Why not? Why didn't you use that as an opportunity to  
4 talk about the UAE?

5 A Because it was one of the things I was the least  
6 concerned about as it related to us.

7 Q All right. Now, if we can look at lines 353 to 364. In  
8 this interview, you said -- well, actually, the interviewer  
9 says, And you spent lots of time in the Middle East. And then  
10 you go on to say, I spend half my time in the Middle East, and  
11 then goes on to talk about that.

12 And you say, on line 362, By the way, the Arabs  
13 support that. Do you see that?

14 A I do.

15 Q What, if any, efforts did you take to hide from reporters  
16 that you spoke about politics with Arab leaders?

17 A None. They all knew it and it was front and center of  
18 one of the themes they would always discuss with me and it's  
19 part of the reason that I had some arrow in my quiver that  
20 maybe others didn't.

21 Q I'm going to show you now lines 384 to 388. You said  
22 look, the United Arab Emirates and Saudi Arabia and Israel in  
23 my opinion will align as allies very quickly here and the  
24 world will change for the better and they, all three of them,  
25 I guarantee you want terrorism to go away.

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1           Why did you say that exact same thing about the UAE,  
2       Saudi Arabia and Israel? Why were you saying this?

3       A     It was my belief and it was Jared's belief at the time  
4       and actually Candidate Trump and President Trump --

5           MR. NITZE: Objection as to charactering the beliefs  
6       of others.

7           MR. SCHACHTER: I'm sorry. I'll clarify.

8       Q     Mr. Barrack, I'm only asking about you.

9           Why did you say this, that the UAE and Saudi Arabia  
10      and Israel, why did you say the same thing about all three  
11      countries, not just the UAE?

12      A     I don't understand the question.

13      Q     Sure.

14           You said these words in this interview.

15      A     Yes.

16      Q     Why?

17      A     Because it could happen and it did happen.

18      Q     When you say it did happen, what are you referring to?

19      A     The Abraham Accords, it happened. They aligned. They  
20      had a treaty, the unthinkable with Israel happened with Arab  
21      allies and it was a fact.

22      Q     And that treaty was between who and who to do what?

23      A     Israel, Saudi Arabia, the UAE, Bahrain, later Sudan, and  
24      now a series of others.

25      Q     All right. You also talked -- if we can turn to lines

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1 441 to 443. You said it's the first time Emirates and Abu  
2 Dhabi, they're losing their young sons in this Yemen war,  
3 fighting, by the way, Houthis who are backed by Iran.

4 Why did you say that?

5 A It was a fact.

6 THE COURT: Mr. Schachter, at a good point, do you  
7 want to take a break?

8 MR. SCHACHTER: Yes, Your Honor. This is perfect.  
9 Thank you.

10 THE COURT: Ladies and gentlemen, we will take 20  
11 minutes just to get it on the quarter hour. Please remember  
12 not to talk about the case. We will see you at 3:15.

13 (Jury exits the courtroom.)

14 THE COURT: Mr. Schachter, how are you doing  
15 time-wise.

16 MR. SCHACHTER: I think I'm doing really good.

17 THE COURT: Can you be more specific?

18 MR. SCHACHTER: So, can I give an estimate when I  
19 see where we are at the end of the day?

20 I mean, we're certainly going to take through the  
21 afternoon and I still think we're going to take well into  
22 tomorrow. The question that I don't know is what exactly that  
23 means.

24 THE COURT: Okay. That's fine. Thank you.

25 (Recess taken.)

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1 THE COURT: Let's have the jury, please.

2 (The jury enters the courtroom.)

3 THE COURT: Everyone, be seated. Please continue,  
4 Mr. Schachter.

5 MR. SCHACHTER: Thank you, Your Honor.

6 BY MR. SCHACHTER:

7 Q Mr. Barrack, in that Bloomberg interview and a number of  
8 the interviews that we have all seen, you will say things like  
9 UAE or Saudi Arabia or Qatar and Israel. You refer to them as  
10 important allies or the best allies to America.

11 When you were saying that, you know, were you  
12 intending to endorse everything that those countries did.

13 A No, of course not.

14 Q Why did you say it?

15 A I mean, I think as we all know allies is a very confusing  
16 nomenclature.

17 We're aligned with many countries on many things and  
18 we're not on other things. So security, defense, alignment of  
19 human rights issues, those kind of things are always at  
20 variance and we try and keep a fabric, a web of relationships  
21 of diplomacy, which is why foreign service officers are so  
22 important to every political regime.

23 But there are some things we agree on and some  
24 things we don't agree on. And there 's a lot of countries we  
25 just need to make sure we have a consistent relationship with



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1 on an ongoing basis.

2 Q All right. We just talked about that Bloomberg interview  
3 in which you talked about how these countries want terrorism  
4 to go away. And I' m going to show you what is in evidence as  
5 Government Exhibit 243.

6 And Rashid writes, Did you get a call from AB, Abu  
7 Dhabi, yesterday.

8 And then they say, Yes, I think HH and HE Ali Al  
9 Shamsi, his deputy, wanted to thank you.

10 And you responded: Any other theme they would like  
11 me to hit.

12 A couple of questions about that.

13 What did you understand about why they wanted to  
14 thank you.

15 A I think for addressing the Middle East issues.

16 Q And when you asked -- Well, why did you ask any other  
17 themes they would like me to hit?

18 This is just shortly after your Bloomberg interview.

19 A Yeah. I mean, the time, remember, the themes as we were  
20 talking about Candidate Trump at the time, and when I said  
21 yesterday that he couldn't spell Middle East, that was a  
22 euphemism, he knew what he wanted in the Middle East and they  
23 were two things that were very difficult. He didn't want to  
24 pay anymore --

25 MR. NITZE: Objection to what the candidate wanted.

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1 THE COURT: Sustained.

2 Q What did you mean when you said. Or why did you say any  
3 other themes they would like me to hit?

4 A Since I'm talking about the Middle East, are there any  
5 other themes from the Middle East that they think would be  
6 important or relevant to my discussions.

7 Q Did you think there was anything wrong with asking for  
8 thoughts about what you were saying about the Middle East from  
9 people in the Middle East?

10 A I think if you want to be accurate, factual and  
11 interesting, you better go to the source.

12 Q All right. Now, these things that the jury heard you say  
13 in these various interviews that were played during the course  
14 of this trial, were you saying the -- really exactly the same  
15 thing before you're alleged to have entered this conspiracy in  
16 April of 2016?

17 A Absolutely.

18 Q Prior to the Spring of 2016, had you spoken about the  
19 Middle East on television?

20 A I had.

21 Q I am going to show you --

22 MR. SCHACHTER: Actually, Your Honor, we will offer  
23 Barrack Exhibit 811, 811-A, which will show the day of the  
24 interview, and then 811 -- well, I think just that, 811 and  
25 811-A. So, we will offer that.

Barrack - direct- Schachter

1 This is an excerpt of the interview. We have  
2 previously discussed this and I believe Your Honor has ruled  
3 on it.

4 THE COURT: Right. Admitted.

5 (Barrack Exhibits 811 and 811-A, were received in  
6 evidence.)

7 Q So is this -- did you give an interview on Bloomberg on  
8 October 9, 2015, more than six months before you're alleged to  
9 have joined a conspiracy and more than six months before you  
10 met with Sheikh Tahnoun?

11 A I did.

12 MR. SCHACHTER: And if we can play this.

13 (Video playing.) (Video stopped.)

14 Q Mr. Barrack, why did you say in this interview seven  
15 months before you ever met with Sheikh Tahnoun, why did you  
16 say those positive things about Qatar or Abu Dhabi, Dubai,  
17 Saudi Arabia?

18 A It's absolutely what I believed.

19 Q And did the UAE direct you to say any of these things  
20 that we just heard?

21 A No.

22 MR. SCHACHTER: Your Honor, we will now offer  
23 Barrack Exhibit 826, 826-A, which is an interview that Mr.  
24 Barrack gave to Bloomberg in 2014.

25 THE COURT: This is part of the same group, right?

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1 MR. SCHACHTER: Yes, Your Honor.

2 THE COURT: Received over objection.

3 (Barrack Exhibits 826 and 826-A, were received in  
4 evidence.)

5 MR. SCHACHTER: I'm sorry, can we just show, Mr.  
6 McLeod, the front page, I'm sorry. The website. Show the  
7 date. I note it's not on the screen, can the jurors see it?  
8 Okay. Great.

9 Q So this is an interview that you gave to Bloomberg on  
10 July 23, 2014; is that right?

11 A Yes, sir.

12 Q So that's, you know, almost two years before you're  
13 alleged to have been part of a conspiracy?

14 A Correct.

15 MR. SCHACHTER: Okay. Mr. McLeod, can we play the  
16 video.

17 (Video playing.) (Video stopped.)

18 Q Now, in addition to television interviews that you gave  
19 before you're alleged to have been in a conspiracy, did you  
20 also write about the Middle East before your May 2016 meeting  
21 with Sheikh Tahnoun?

22 A I did.

23 Q I think your microphone -- can you tap your microphone?

24 A Am I back? Yes? No?

25 THE COURT: No, I don't think so. I assure you,

*Michele Lucchese, Official Court Reporter*

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1 ladies and gentlemen, right after this trial, I'm having this  
2 fixed.

3 MR. SCHACHTER: I think we're back.

4 THE WITNESS: We're back.

5 THE COURT: Yes.

6 THE WITNESS: Thank you.

7 Q Are you familiar with something called the Chairman's  
8 Corner?

9 A I am.

10 Q Can you describe to the jury what is the Chairman's  
11 Corner?

12 A The Chairman's Corner is a -- is a memorandum, kind of a  
13 news piece that I created 25 years ago in an attempt to  
14 communicate things that I found interesting that were  
15 complicated for my investors, my partners, my family, my  
16 employees to understand where I could shed some light on kind  
17 of interesting areas. So it's something that I used to do once a  
18 month and kind of distribute broadly to all of those  
19 constituencies.

20 Q I see. So, these writings would go to employees, as well  
21 as your investors and business partners?

22 A Yes.

23 Q And do you recall one that you wrote entitled Where and  
24 When Does East Meets West?

25 A I do.

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1 Q And Is that something that you wrote back in November of  
2 2015, more than six months before you saw Sheikh Tahnoun?

3 A It is.

4 Q And did you write, in that Chairman's Corner, distribute  
5 it to all those people, effectively the same things that we  
6 heard in the interviews that the Government played?

7 MR. NITZE: Leading. Objection. Leading.

8 THE COURT: Sustained.

9 MR. SCHACHTER: Your Honor, we will offer Barrack  
10 Exhibit 16.

11 I'm sorry, let me show you first -- well, witness  
12 and counsel only.

13 Q Is this your distribution of your Chairman's Corner Where  
14 and When Does East Meets West? Is that what this is?

15 A Yes.

16 Q And in this, are you describing your views on the  
17 relationship with Sheikh --

18 THE COURT: Don't lead.

19 MR. SCHACHTER: Okay. We will offer -- I think it  
20 will be easier that way. We'll offer Barrack 16.

21 MR. NITZE: We may need a sidebar on this. We have  
22 a tailored objection to the attachment.

23 THE COURT: Okay.

24 (Continued on next page.)

25

SIDEBAR CONFERENCE

1 (The following occurred at sidebar.)

2 MR. NITZE: So our -- I think there's more to it  
3 even than that. We understand the point about reference to  
4 the UAE and I think I take them to be making the point he's  
5 saying favorable things about the UAE before the indictment  
6 period. There's also just a lengthy recitation of personal  
7 background and even if not admitted for truth, it's totally  
8 cumulative of what has already been testified to. It's  
9 hearsay and the instruction not for truth just renders it not  
10 relevant, the fact that he's talking about the grocery store  
11 and all the background. So if we can redact it to just have  
12 the references to the UAE, then --

13 THE COURT: I understand Mr. Schachter has  
14 absolutely no problem doing that.

15 MR. SCHACHTER: That's fine.

16 MR. NITZE: I'm glad we concur. Thank you.

17 (End of sidebar conference.)

18 (Continued on next page.)

19

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Barrack - direct - Schachter

1 THE COURT: Please proceed.

2 The exhibit is admitted subject to the redaction we  
3 talked about at sidebar.

4 (Barrack Exhibit 16, was received in evidence.)

5 MR. SCHACHTER: Thank you, Your Honor.

6 Mr. McCleod, can you show just the e-mail for now.

7 BY MR. SCHACHTER: (Continuing)

8 Q What's the date of this e-mail?

9 A Monday the 23rd, November of 2015.

10 Q Okay. And the subject is that, the title of this  
11 "Chairman's Corner," "Where and When does East meet West"?

12 A Yes.

13 Q And to whom was this distributed?

14 A It was to "Colony All," and this particular memo means  
15 all the worldwide employees, associates and partners of Colony  
16 Capital.

17 Q Okay. What if -- so I'd like to direct your attention to  
18 portions of this.

19 Let's start here. Under the -- in the section "The  
20 Middle East Now," I'm just going to read aloud to the jury  
21 this portion.

22 "The Middle East Now: Qatar has become a remarkably  
23 forward-thinking state, actively bridging relations between  
24 the region and the rest of the world, while contributing  
25 impressively to diplomacy, culture, sports, news and



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1 entertainment on the Arabian peninsula. It also hosts a major  
2 U.S. airbase in the region.

3 "Qatar is graced with a strong and focused  
4 leadership from the Al Thani family who have been tremendous  
5 stewards and catalysts for the state's exponential prosperity.  
6 The tremendous guidance of Emir Sheikh Tamim, one of the  
7 youngest and most prepared monarchs of recent time, and the  
8 past visionary foundational leadership of the Emir's father,  
9 Sheikh Hamad bin Khalifa, supported by the then Prime Minister  
10 Sheikh Hamad bin Jassim are remarkable. The Emir's mother,  
11 Sheikha Moza bint Nasser, an intelligent and beautiful woman,  
12 has become a great regional and global leader of women's  
13 rights and a wonderful ambassador of Arab culture helping  
14 launch Qatar into the modern age. The current political  
15 situation in Qatar is an example of one of the only successful  
16 and peaceful transitions of power from father to son in Arab  
17 history demonstrating unique vision, commitment and strength.

18 "The UAE formed by the ruling al Nahyan family and  
19 led by the Emir Sheikh Khalifa bin Zayed and his Crown Prince  
20 Sheikh Mohamed bin Zayed is a coalition of 'trucial' states  
21 and semi-independent rulers including the Al Maktoum family  
22 from Dubai. Abu Dhabi and Dubai, both of which were  
23 originally British protectorates, demonstrate qualities  
24 deserving of immense international admiration and applause.  
25 Today, the UAE is among the most progressive, commercial and

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1     touristic venues in the world and long before its massive  
2     discovery of oil, was in the heart of trade, commerce, pearl  
3     diving and agriculture.

4             "QIA, the Sovereign wealth fund of Qatar, and ADAI,  
5     the sovereign wealth fund of Abu Dhabi, are two of the most  
6     respected, well run and best performing global investment  
7     management teams in the world. Neighboring Dubai, under the  
8     leadership of Sheikh Mohammed bin Rashid, has become the  
9     Middle Eastern capital of both tourism and commerce and is the  
10    best modern example of thoughtful development of a modern city  
11    and economy. The UAE hosts tens of millions of foreigners of  
12    every religion and belief in both work and play and has become  
13    the poster boy for Arab progress and freedom.

14            "With the backing of the U.S., Saudi Arabia found  
15    independence under the leadership of Abdulaziz Al Saud in  
16    1932. Alongside the U.S., Saudi implemented the incubation  
17    and creation of Aramco which has served as the driving force  
18    of the Saudi Arabian economy. In the beginning, Aramco was a  
19    US- based consortium of global oil companies that explored,  
20    developed and exported the fossil fuels from the region. The  
21    Royal Saud family and the U.S. have been close allies for more  
22    than half a century. In spite of the polarity between an  
23    ultraconservative monarchy and a secular, democratic republic,  
24    the longevity of the U.S./Saudi alliance has been historically  
25    remarkable.

Barrack - direct - Schachter

1           "The Kingdom is primarily dominated by Sunnis with a  
2 small population of about 5 million Wahabis. Wahabism,  
3 sometimes referred to as Salafism, is one of the most  
4 conservative forms of Islam. It is also considered by many in  
5 the West to be one of the most extreme sects of Islam. In  
6 actuality, this represents only about 20 percent of the  
7 population with the remainder being more moderate Sunnis. In  
8 spite of Salafist practices, the long-standing political and  
9 economic relationship between the U.S. and Saudi Arabia has  
10 been mutually advantageous for many decades.

11           "Saudi Arabia, Qatar, Abu Dhabi and Dubai have been  
12 trusted, valued, and essential friends of the U.S.,  
13 implementing valued diplomatic efforts in the region. In  
14 spite of their achievements, contemporary skepticism surrounds  
15 governance in these regimes, due to the many global hands that  
16 are all attempting to play the same regional piano. All of  
17 these culturally unique communities are growing into  
18 self-administered states governed more by tribal loyalty than  
19 illusory lines drawn in the sand by previous western  
20 overseers. It is this way that has allowed them to survive  
21 through hundreds of years of change of control and  
22 re-designation of physical boundaries.

23           "The Lessons from History. In the Arab world, at  
24 every turn of every leader, there is the footprint of the  
25 boots of a Western power. Arabism is in its teenage years,

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1 learning how to blend its various tribes into a united front.  
2 Recently, the West has criticized the Middle East for refusing  
3 to adapt to current human rights standards, and to transition  
4 away from practices that the West finds to be abhorrent.  
5 Attitudes are changing in the region, but it takes decades to  
6 effectuate a 180 degree turn in culture and religion. It will  
7 happen in baby steps. (It is helpful to remember that the  
8 U.S. had slavery for over 200 years, and women were not  
9 allowed to vote until the 1920s)," exclamation point.

10 "While the resource curse of Middle Eastern lands  
11 has caused good fortune, it has also led to an accompanying  
12 greed and competition from Western powers to be unrelenting in  
13 their dominance. The borders of the Middle East are an  
14 illusion in the minds of the Arabs. There are only tribes and  
15 flags, and the geopolitical boundary lines appear and vanish  
16 like the sand dunes in the desert.

17 "The Arabs are tribes first, religion second and  
18 countries last. The notion of an Arab is still illusory.  
19 There is no agreement on boundaries, language, political  
20 systems, financial systems, tradition or political  
21 preferences. They are proud, honorable and sand smart. They  
22 know that their tribe and their religion will trump the  
23 whimsical mechanics of an imposed political structure which  
24 would change in an afternoon. That is why religion is both  
25 church and state. This also is one of the reasons for the

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1 rapid proliferation of Islam through Asian countries that  
2 share the same vagaries of quick and sudden political shifts.

3 "The West, blessed with a clear determination  
4 between reliable and democratic states and a multitude of  
5 churches, view themselves differently. Americans see  
6 themselves first and foremost as Americans and then as  
7 Catholic, Jewish or Lutheran. Likewise, Brits see themselves  
8 first as English and then as Anglicans, Methodists or  
9 Catholics.

10 "Final Thought. The empty quarter is not empty any  
11 longer. One of the main issues with which the world is  
12 confronted is how to identify the multitude of competing  
13 interests bobbing and weaving through the blowing sands of not  
14 so clear boundaries. Our current tumultuous circumstances can  
15 only be relieved by an intense and relentless commitment to  
16 communicate and educate at all levels.

17 "There is a dramatic difference between imposing a  
18 point of view and presenting a point of view. East and West's  
19 mutual misunderstandings, unfulfilled expectations and  
20 miscommunicated communications are at the root of the problem.  
21 Tolerance is a contact sport and along the way, the price of  
22 freedom may extract a steep toll, an unfortunate reality of  
23 finding a civilized common denominator of trust and  
24 confidence.

25 "We may also find that the price of total freedom is

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1 just too great and we are not prepared to accept the  
2 occurrences and the vagaries caused by allowing bad conduct  
3 under the moniker of freedom. All humans want the same  
4 things: Security, livelihood, hope, a better life for their  
5 children and, above all, relevancy and respect. History has  
6 taught us, however, that there is an innate attribute in men  
7 to fight. We have seen throughout history that the last  
8 chapter of these fights is always the same and always bad.  
9 Using history as a tool to teach ourselves a new trick is a  
10 long and agonizing road. Let's hope we accelerate the pace.

11 "A humble Lebanese immigrant's son, TJB."

12 So, Mr. Barrack, can you explain why is writing  
13 something like this, why are you distributing it to your  
14 employees, your investors, your business partners, and why is  
15 this part of your job?

16 A Because it's part of my life. Confusion, confusion of  
17 these kind of issues is rampant and in business, it's the  
18 biggest problem we have is understanding each other, is  
19 communicating with each other. I happen to have an emotional  
20 connection to this because I've seen what happened firsthand  
21 from camels in the desert and these kind -- nice people  
22 without access to the West, without access to democracy,  
23 without access to understanding, with a religious point of  
24 view, no different, by the way, than the Jews in Israel or  
25 other sects. And the threads of what they're doing and we're

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1 doing are so complicated. We're sitting here in the middle of  
2 the same complication. Why? Because the only thread is  
3 commerce.

4 So for me to try and explain to -- you see the  
5 jargon that I have to deal with with my investors. It's  
6 confusing. CDO, CLO, structured debt, we don't even know,  
7 right, the world of finance and some of you are financial  
8 people, I know, but at the end of the day, it comes back to  
9 civilization and people and cultures and it hasn't changed for  
10 7,000 years, this tribal disregard, the confusion, the  
11 inability to communicate, the unwillingness to communicate,  
12 because if you express your point of view, look what can  
13 happen.

14 Q I'm going to show you --

15 MR. SCHACHTER: You can take that down, Mr. McCleod.

16 Q I'm going to show you now what has been marked for  
17 identification as Barrack Exhibit 7.

18 Do you recognize this to be a communication that had  
19 you with a man named Saeed Al- Hajeri regarding this  
20 "Chairman's Corner" that we just saw a moment ago?

21 A Yes, sir, I do.

22 MR. SCHACHTER: Your Honor, we will offer Barrack  
23 Exhibit 7.

24 MR. NITZE: No objection.

25 MR. LOWELL: No objection.

Barrack - direct - Schachter

1 THE COURT: Received.

2 (Barrack Exhibit 7, was received in evidence.)

3 Q Who is Saeed Al-Hajeri?

4 A Saeed Al-Hajeri is a bright young Emirati who at the time  
5 was the CEO of one of the U.S. oil companies called TAQA.

6 Q I think we saw earlier that -- well, withdrawn.

7 So this is sent on November 23, 2015. Were you  
8 sending, do you recall, the "Chairman's Corner" that we just  
9 saw a moment ago?

10 A I did, yes.

11 Q The one entitled "When East meets West"?

12 A Yes, sir.

13 Q You wrote: "Saeed, I need your help. As an  
14 Arab-American, I've been trying to upgrade the level of  
15 thought and information that most Americans utilize in  
16 analyzing the current East-West situation. I'm giving a  
17 series of talks which are now being picked up and referred to  
18 by various news agencies. I've enclosed a draft of a white  
19 paper that I wanted to circulate broadly to all of our  
20 companies and trying to get some historical context to expand  
21 the typical Americans' point of view. I would really  
22 appreciate your thoughts to see if there's any sensitivities  
23 in the paper that I should have considered or things that  
24 could be misconstrued. I have such great respect for you and  
25 your thinking. It would really be helpful. We need to

CMH

OCR

RDR

FCRR



Barrack - direct - Schachter

1 educate! Tom."

2 So this is seven months before the conspiracy. Why  
3 were you asking Saeed Al-Hajeri, this person in the UAE, for  
4 their thoughts?

5 A Again, I have great respect for Saeed as a thinker, as a  
6 business person, as somebody who's respected in the Arab world  
7 and who has great interaction in the West and he and I have  
8 shared this frustration in the past. There's cultural  
9 confusion and that, and that -- it's really in his generation,  
10 he's younger than me, but we talk about passing the baton.  
11 When does this end? When does this parry and thrust of we  
12 need you, we don't need you, we like you, we don't like you,  
13 we understand your religion, we don't, we need your oil, we  
14 don't want it, when does it end?

15 Q You wrote that you wanted to circulate it broadly to all  
16 of our companies. What's that a reference to?

17 A Colony has portfolio companies as we've discussed in the  
18 past. We have either minority investments in that we control  
19 or investments that we own. So to broadly distribute it.  
20 Since it's a think piece, there's nothing political about it.

21 If you go back to the original heading in the  
22 e-mail, we're talking about tolerance created through  
23 education, investigation and questions and this is one of the  
24 topics. There were many topics in these "Chairman's Corners"  
25 that I was trying to get our constituencies to focus on and I

Barrack - direct - Schachter

1 want to be accurate, I want to be correct. It's a really  
2 complicated arena.

3 Q I'm now going to show you what's been marked for  
4 identification, witness and counsel only, as Barrack  
5 Exhibit 216.

6 Do you recognize this to be a communication that you  
7 had with Rashid Al Malik six months before your meeting with  
8 Sheikh Tahnoun?

9 A Yes, I do.

10 Q And had you also sent to him at that time, in November of  
11 2015, your "Chairman 's Corner" on "When East meets West"?

12 A Yes, I have.

13 MR. SCHACHTER: Your Honor, we'll offer Barrack  
14 Exhibit 216.

15 MR. NITZE: We have a hearsay objection in  
16 particular with respect to the second sentence on the e-mail.

17 THE COURT: Can you blow it up, please.

18 MR. NITZE: At the top. Sorry. Not that one. The  
19 top, the very top.

20 MR. SCHACHTER: Your Honor, that's actually very,  
21 very relevant. I can explain.

22 THE COURT: He's not objecting on relevance. He's  
23 objecting on hearsay.

24 MR. SCHACHTER: Well, it's offered -- as we've  
25 talked about, it's offered with respect to Mr. Al Malik's

Barrack - direct - Schachter

1 state of mind, as the government has introduced evidence with  
2 respect to that, and it's also informs Mr. Barrack's state of  
3 mind as to whom --

4 THE COURT: I got it. I got it. I think that's  
5 right.

6 MR. NITZE: It's state of mind in the sense that  
7 anybody asserting something that happened reflects their state  
8 of mind that they think has happened. It's offered for its  
9 truth.

10 THE COURT: It's more than that. It's more than  
11 that. I see. You're objecting to the second sentence.

12 MR. NITZE: Yes.

13 MR. SCHACHTER: To be clear, it informs  
14 Mr. Barrack's understanding of who Rashid Al Malik is, as to  
15 why he's sending it to this person as we'll inquire of  
16 Mr. Barrack in a moment.

17 THE COURT: Okay. This is to show -- who was this  
18 sent to?

19 MR. SCHACHTER: It's from Rashid.

20 THE COURT: To whom?

21 MR. SCHACHTER: To Mr. Barrack who was informing him  
22 that he sent this to this person and that informed  
23 Mr. Barrack's understanding of who Rashid is.

24 THE COURT: I agree with that last rationale nation.  
25 You can put it on the screen.

Barrack - direct - Schachter

1 Ladies and gentlemen, this e-mail doesn't say --  
2 pull it up, please.

3 We don't know from this e-mail that the document was  
4 actually sent to Sheikh Khalifa. That's what Rashid says.  
5 Maybe it was sent to him. Maybe it wasn't sent to him. It  
6 doesn't make any difference. The purpose is to show that  
7 Mr. Barrack was told that it was sent to him.

8 Okay. Go ahead.

9 MR. SCHACHTER: If we can go to the bottom.

10 Q So Mr. Barrack, did you send the same "Where and When  
11 East meets West" "Chairman's Corner" to Rashid back in  
12 November of 2015?

13 A I did.

14 Q Why?

15 A Same reason.

16 Q Same reason being what?

17 A Same reason as I said with Saeed, take young Arabs who  
18 have intersection with the West and have them proliferate or  
19 comment or amend or note what I've set forth as a thought  
20 piece, produces information and hopefully tolerance.

21 MR. SCHACHTER: And if we can zoom back out,  
22 Mr. McCleod.

23 Q He then forwards this communication and he says at the  
24 very top, he says, "I love and I miss you," exclamation point.  
25 "I sent it to Sheikh Khalifa also." Do you see that?

Barrack - direct - Schachter

1 A I do.

2 Q Is this about six months before you met a man named  
3 Khalifa Al Ghafli?

4 A Yes.

5 Q So who is the Sheikh Khalifa that understood Rashid sent  
6 this to?

7 A This is the Sheikh Khalifa Al Thani. This is the brother  
8 of the Qatari Emir. The Khalifa Al Ghafli we talked about is  
9 not a sheikh.

10 Q So this is a reference, you understood, to him sending it  
11 to someone in Qatar?

12 A Yes. We discussed yesterday, his roommate basically.

13 Q All right. We can take that down.

14 Now, I'd like to show you what's in evidence as  
15 Government Exhibit 124. This is an e-mail where you wrote --  
16 before that Bloomberg interview that we saw earlier in the  
17 case, the one on your ranch.

18 A Yes.

19 Q And you wrote the words, "I have taken the responsibility  
20 for our region." Do you see that?

21 A I do.

22 Q So, first of all, why did you share this interview with  
23 Rashid?

24 A The same. I thought it was illustrative of the topics we  
25 had been handling.

Barrack - direct - Schachter

1 Q Did you also, by the way, send links to interviews that  
2 you gave to Rashid about subjects that didn't cover the  
3 Middle East?

4 A I did.

5 Q What did you mean when you told Rashid, "I have taken the  
6 responsibility for our region"?

7 A That "our region" means, you know, I come -- my ancestry  
8 is from the Levant. It's not Arabia. It's part of the Middle  
9 East. So I've taken, as you can see from the past, that  
10 previous decade, responsibility for trying to understand how  
11 do we breed a better web, a more understandable web amongst  
12 them all. That's what it meant.

13 Q And do you feel that the Middle East is, in part, your  
14 region as well?

15 A Absolutely. I have always felt that, for whatever  
16 modicum of success my family has, it's the result of American  
17 freedom and democracy and Lebanese DNA.

18 Q Did you use that same phrase, "our region," when  
19 communicating with other people?

20 A Yes.

21 Q I'm going to show you what has been marked for  
22 identification as Barrack Exhibit 17.

23 Is this a communication that you've sent to somebody  
24 named Naz Sykes?

25 A It is.

Barrack - direct - Schachter

1 MR. SCHACHTER: We'll offer Barrack Exhibit 17.

2 MR. NITZE: We have a hearsay objection to this one  
3 as well. If there's a certain -- if you want to just put the  
4 first sentence in, fine. The rest is a lot that is not  
5 relevant to that point.

6 THE COURT: Do you need anything beyond the first  
7 sentence?

8 MR. SCHACHTER: Well, Your Honor, I believe it shows  
9 the context of when Mr. Barrack uses this phrase and none of  
10 this is offered for -- there's no truth here.

11 THE COURT: Okay.

12 MR. SCHACHTER: It just goes to Mr. Barrack's state  
13 of mind.

14 MR. NITZE: It's not --

15 THE COURT: It's all right. He's not offering to  
16 show it's true. He's offering to show the context in which he  
17 uses the phrase which you've shown him to use as a part of  
18 your case. I don't find a problem with that.

19 MR. NITZE: Okay. There are statements in here that  
20 I guess if that's -- if it's not going to be argued that  
21 anything in there is true and it's just to show the context.

22 THE COURT: Mr. Schachter, you are so directed.

23 MR. SCHACHTER: Understood, Your Honor.

24 THE COURT: Pull it up, please.

25 Ladies and gentlemen, again, this is not being shown

Barrack - direct - Schachter

1 to you to illustrate that any statement made in here is true.  
2 It's just to illustrate to you when Mr. Barrack uses the  
3 phrase "our region."

4 Q I'd like to start with what you're responding to.

5 Well, first of all, who is Naz Sykes.

6 A Naz Sykes is one of the best friends of my wife's who is  
7 a bright, professional girl of Iranian descent.

8 Q All right. And if we just glance at the below e-mail,  
9 she expressed some concern about Donald Trump's election.

10 A Yes.

11 Q She writes: "The recent world events and to be honest,  
12 still the results of the election is making me so worried for  
13 my family. I am counting on you to keep your eyes on the one  
14 who walked on water and make sure we are on the right path but  
15 I am worried." Do you see that?

16 A I do.

17 Q Let's look at your response.

18 Oh, and by the way, she also mentions your interview  
19 on CNBC. How widely would you circulate the interviews that  
20 you did?

21 A Broadly.

22 Q All right. If we can look at the response. You write,  
23 "Naz, I too worry for our children, our country, for you and  
24 for our region of origin."

25 Why did you refer -- what are you referring to when



Barrack - direct - Schachter

1 you say "our region of origin"?

2 A Again, I'm referring to, broadly, the Middle East. Iran  
3 where she comes from is 33 miles away from the UAE which we've  
4 been discussing and at the end of the Persian peninsula which  
5 ends with Lebanon and Syria which is my ancestry.

6 Q All right. Thank you.

7 MR. SCHACHTER: You can take that down.

8 Q All right. I'm now going to play a video of an interview  
9 that you gave at a panel on February of 2018.

10 MR. SCHACHTER: Your Honor, this has been the  
11 subject of a prior ruling. It's Barrack Exhibit 840. We have  
12 added additional excerpts because the government had a  
13 completeness request and so we added that as well. So we'll  
14 offer Barrack Exhibit 840, 840-A which shows the, I think that  
15 shows the timing of this, the comments, and 840-T.

16 THE COURT: All right. It's admitted over an  
17 objection that no longer includes completeness.

18 (Barrack Exhibits 840, 840-A and 840-T, were  
19 received in evidence.)

20 MR. SCHACHTER: That's 840-A. Are you able to blow  
21 up just a date, Mr. McCleod?

22 Okay. It says, "Published February 22, 2018." And  
23 now if you can play the excerpt.

24 (Video played.)

25 MR. SCHACHTER: I'm sorry. Can you pause just for

Barrack - direct - Schachter

1 the sound.

2 (Video stopped.)

3 THE COURT: Do we have any more sound on the video?

4 THE CLERK: I turned it up.

5 (Video played.) (Video stopped.)

6 BY MR. SCHACHTER:

7 Q Mr. Barrack, we heard you use the term "our region" in  
8 this interview. Can you explain where this interview was  
9 taking place?

10 A Yes. I believe that was in the UAE.

11 Q Where -- what's the nature of the conference that you're  
12 speaking at there?

13 A I believe it was the Milken conference, a business  
14 conference in Abu Dhabi.

15 Q And you used, in that setting, you used the term "our  
16 region." Why?

17 A Again, the same, the same reason. I feel that it is part  
18 of our region, my region, and especially in addressing that  
19 crowd, I want them to understand that I'm coming from a point  
20 of view that shares both East and West.

21 Q All right. I'm going to show you one more. I'm going to  
22 show you what's been marked for identification as Barrack  
23 Exhibit 18 to witness and counsel only.

24 Is this a communication you had with someone named  
25 Dina Powell in July of 2017?

Barrack - direct - Schachter

1 A Yes, it is.

2 Q And are you making a reference to the country of Lebanon?

3 A I am.

4 MR. SCHACHTER: Your Honor, we'll offer Barrack  
5 Exhibit 18 .

6 MR. NITZE: I believe we proposed the redaction of a  
7 single sentence. I don't know what your position is on that.

8 THE COURT: You two talk off the record for  
9 30 seconds.

10 (Pause.)

11 MR. SCHACHTER: May I speak to Mr. McCleod for one  
12 moment?

13 THE COURT: Yes.

14 (Pause.)

15 MR. SCHACHTER: Your Honor, we offer Barrack  
16 Exhibit 18 with that requested redaction.

17 THE COURT: All right. It's received.

18 (Barrack Exhibit 18, was received in evidence.)

19 Q Who is Dina Powell?

20 A Dina Powell is an amazing young woman who at the time was  
21 the Deputy National Security Advisor for Strategy.

22 Q And at the bottom, you wrote, "Hope you can make the  
23 meeting with Saad Hariri today. He does a good job of  
24 representing my little Lebanon. I hope you are great."

25 So who is Saad Hariri?

Barrack - direct - Schachter

1 A Saad Hariri is a previous Prime Minister of Lebanon and  
2 Dina's of Egyptian descent.

3 Q Why were you asking Dina Powell to participate in this  
4 meeting?

5 A In her capacity as Deputy Security counsel to meet with  
6 Saad Hariri for all of the issues and problems that Lebanon  
7 was experiencing at the time.

8 Q Now, you said "my little Lebanon." Mr. Barrack, why did  
9 you use the term "my little Lebanon"?

10 A Affectionately, letting her know, she's also of Arab  
11 descent, that I'm still proud of my heritage.

12 Q All right. Now, by asking Dina Powell to meet with the  
13 former Prime Minister of Lebanon, were you agreeing to act  
14 subject to Lebanon's direction or control?

15 A No.

16 Q Why did you ask Dina Powell to meet with the former Prime  
17 Minister of Lebanon?

18 A I thought it was the right thing to do.

19 MR. SCHACHTER: All right. Now, take that down.

20 Q Turning back very briefly to that Bloomberg interview, we  
21 saw that you sent the link to Rashid, but did you send it to  
22 many other people as well?

23 A I did.

24 Q I'm going to show you what's been marked as Barrack  
25 Exhibit 19 and we'll offer it. This is a communication with

Barrack - direct - Schachter

1 Mohamed Alabbar?

2 A Yes, sir.

3 MR. SCHACHTER: We'll offer it.

4 MR. NITZE: No objection.

5 MR. LOWELL: No objection.

6 THE COURT: Received.

7 (Barrack Exhibit 19, was received in evidence.)

8 Q And is this you sending the same link to Mohamed Alabbar?

9 A Yes.

10 Q Why did you write, "I am trying"?

11 A He was very displeased, is an understatement, of the  
12 comments that the then candidate Trump, and I was explaining  
13 to him that I'm, I'm trying to engineer back a more moderate  
14 and eloquent dialogue.

15 Q I'm going to show you what's marked as Barrack Exhibit 21  
16 and we'll offer it.

17 MR. NITZE: No objection.

18 MR. LOWELL: No objection.

19 THE COURT: Received.

20 (Barrack Exhibit 21, was received in evidence.)

21 Q Did you send the same Bloomberg interview to Rob Lowe?

22 A I did.

23 Q I'm going to show you now what's been marked as Barrack  
24 Exhibit 22 for identification.

25 MR. NITZE: No objection.

Barrack - direct - Schachter

1 MR. SCHACHTER: We'll offer it.

2 MR. NITZE: No objection.

3 MR. LOWELL: No objection.

4 THE COURT: Received.

5 (Barrack Exhibit 22, was received in evidence.)

6 Q Did you send the same Bloomberg interview to a man named  
7 Ignacio Figueras?

8 A Nacho Figueras, yes.

9 Q Who is that?

10 A He's the face of Ralph Lauren. Just to identify for the  
11 jury, he's a polo player of Argentine descent, a very smart,  
12 intelligent man.

13 THE COURT: He's the little guy on the horse?

14 THE WITNESS: He's the face on the Polo, all the  
15 Polo cologne.

16 Q Why did you send your Bloomberg interview to this very  
17 handsome Polo player?

18 A I'm sorry. I thought I heard an objection.

19 Again, just a thoughtful leader, somebody in another  
20 community that I would appreciate his feedback.

21 Q I'm going to show you now what's been received in  
22 evidence as Government Exhibit 124.

23 Here, you also, in addition to sending the link, you  
24 asked, "Anything HH would like me to discuss on CNN that I did  
25 not do on Bloomberg?" Do you see that?

Barrack - direct - Schachter

1 A I do.

2 Q Why did you ask him that?

3 A Because I'm always begging for input on things that I  
4 missed or things I should understand or other elements or  
5 facts that are interesting from whatever constituency, yes.

6 Q In asking for thoughts, were you asking to be directed or  
7 controlled?

8 A No.

9 Q Were there lots of people that you asked for thoughts on  
10 things you were saying in interviews?

11 A Yes.

12 Q I'm going to show you what's been marked for  
13 identification as Barrack Exhibit 603.

14 Who is -- is this a text exchange you had with a man  
15 named Launny Steffens?

16 A It is.

17 Q Who is that?

18 A A director of Colony Capital, one of the members of the  
19 board of directors.

20 MR. SCHACHTER: We'll offer it.

21 MR. NITZE: We have a hearsay objection and there's  
22 a particular focused objection.

23 MR. SCHACHTER: I'm sure we'll be able to redact it.  
24 If I can confer with counsel for a moment.

25 THE COURT: Yes. Off the record.

Barrack - direct - Schachter

1 (Pause.)

2 MR. SCHACHTER: Your Honor, we'll offer just the  
3 first two.

4 THE COURT: Admitted. Okay.

5 (Barrack Exhibit 603, was received in evidence.)

6 Q Who is Mr. Steffens?

7 A Launny is the head of the compensation committee for  
8 Colony Capital and is a member of the board of directors.

9 Q He writes, "Great insights on Bloomberg." And you write,  
10 "Any thoughts," is that right?

11 A Yes.

12 Q Why did you ask him for any thoughts?

13 A He's smart. He's astute. He's the CEO of an investment  
14 firm called Mountain Spring Capital and I wanted his thoughts.

15 Q You were not intending to agree to act subject to his  
16 direction and control in doing so?

17 A No.

18 Q I'm going to show you what's been marked as Barrack  
19 Exhibit 604 and we'll offer it.

20 I'm sorry. Is this a communication you had with  
21 Rick Caruso?

22 A It is.

23 Q Who is Rick Caruso?

24 A Rick is a friend who's currently the Democratic candidate  
25 for mayor in Los Angeles.



Barrack - direct - Schachter

1 MR. SCHACHTER: We'll offer Exhibit, Barrack  
2 Exhibit 604.

3 MR. NITZE: No objection.

4 MR. LOWELL: No objection.

5 THE COURT: Received.

6 (Barrack Exhibit 604, was received in evidence.)

7 Q Mr. Caruso says, "Hi, Tom. If you need a speechwriter,  
8 I'm happy to pitch in. Great honor for you and I'm very proud  
9 of you. I'll be cheering you on. Best, Rick." And you said,  
10 "What would you" -- you wrote "unlike." Did you mean "like"?

11 A I may have meant "unlike." He was not a Trump fan.

12 Q Okay. What were you asking -- first of all, what's the  
13 subject matter and what are you asking Mr. Caruso?

14 A The subject matter at the time was going into thoughts  
15 around the convention as I recall. And Rick is a super smart,  
16 very elegant man who is not a Trump fan and I wanted his input  
17 of things around those issues that he was concerned with.

18 Q When you were asking Mr. Caruso for his thoughts, were  
19 you intending to agree to act subject to his direction or  
20 control?

21 A I was not.

22 Q All right. Let me show you one more along these lines.

23 THE COURT: Then we'll stop?

24 MR. SCHACHTER: Sorry?

25 THE COURT: Then we'll stop for the day?

Barrack - direct - Schachter

1 MR. SCHACHTER: Yes, Your Honor.

2 Q I'm going to show you what's been marked as Barrack  
3 Exhibit 605. Is this a communication had you with someone  
4 named Avi Berkowitz?

5 A It is.

6 Q Who is Avi Berkowitz?

7 A Avi Berkowitz was a Special Assistant to President Trump  
8 at this time. He was in the campaign. I don't recall what  
9 his position was. This is in 2020. He was Special Assistant  
10 to the President and one of the people responsible for the  
11 Abraham Accords.

12 MR. SCHACHTER: We'll offer Barrack Exhibit 605.

13 MR. NITZE: No objection.

14 MR. LOWELL: None.

15 THE COURT: Received.

16 (Barrack Exhibit 605, was received in evidence.)

17 Q You wrote in February of 2020, "Avi, heading to Abu Dhabi  
18 for the Milken conference starting next week. Several of the  
19 interviews are asking for my position on the Middle East peace  
20 plan. It would be great if you could give me four or five  
21 talking points of what Jared would like to drive home that I  
22 could be supportive of."

23 Were you employed by the U.S. Government at this  
24 time?

25 A No.

Barrack - direct - Schachter

1 Q Why were you asking for talking points?

2 A Again, I was excited and a proponent of a peace and  
3 prosperity plan that was being generated at that time by  
4 President Trump, Jared and Avi, and I wanted to educate myself  
5 on what the facts were.

6 Q In so doing, were you agreeing to act subject to anyone's  
7 direction or control?

8 A No.

9 MR. SCHACHTER: Your Honor, this is a good time to  
10 break for the day.

11 (Continued on next page.)

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1 THE COURT: Okay. Ladies and gentlemen, tomorrow  
2 morning at 9:30. Please don't do any research on the case.  
3 Don't talk to anybody about the case. Stay away from any  
4 publicity that might come your way and have a very good and  
5 restful night. We'll see you at 9:30 tomorrow morning.

6 (Jury exits.)

7 THE COURT: All right. We are adjourned until 9:30  
8 tomorrow morning.

9 MR. NITZE: Two things?

10 THE COURT: You can step down and everyone be  
11 seated, please.

12 (Witness steps down.)

13 MR. NITZE: The first just relates to timing. I  
14 don't know if Mr. Schachter, I think, he said he had more to  
15 say at the end of the day, I don't want to put him on the spot  
16 in terms of whether, where we are on that.

17 Then before we get to that, I guess, there is one,  
18 maybe more than one, but one exhibit on the list where we have  
19 the tables of objections, to 825. It's a video interview of  
20 Stephen Schwarzman. He's an executive from a different  
21 company saying a lot of things about his company including the  
22 scale of investments. He makes a number of statements there  
23 that even if you say not for truth, it just, there's a lot of  
24 assertions made by someone else in a different context.

25 We think there's a relevance problem and a hearsay

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1 problem. We just ask, because if there's to be a redaction, I  
2 don't know that we would object to the entirety of it, but  
3 because that's a video, it might require some doing, so I just  
4 wanted to flag that one.

5 MR. SCHACHTER: Your Honor, it is somebody who has  
6 been a peer of Mr. Barrack's in exactly the same industry  
7 speaking at exactly the same kind of conference where he  
8 speaks and he is saying exactly the same kind of things about  
9 Mohammed bin Salman that the government has charged  
10 Mr. Barrack with, by virtue of his saying is an illegal agent  
11 of that country. We think it's relevant.

12 We're not offering it for the truth. We're not  
13 offering it to show that, in fact, Mohammed bin Salman is the  
14 thing that Stephen Schwarzman is saying. We're just offering  
15 it to show that they are said and, you know, Mr. Barrack  
16 observes what his, what others in his industry say and this is  
17 what they all are saying at that time frame about the leaders  
18 of these countries.

19 THE COURT: Isn't it kind of a big leap to show one  
20 other person in the industry and say, A- Ha, he's the same as  
21 Mr. Barrack and, therefore, it's the whole industry? I mean  
22 we're talking about thousands of people here.

23 MR. SCHACHTER: I certainly understand the Court's  
24 comments. We think that given the fact that it's happening at  
25 exactly the same time frame and he is in exactly the same

1 industry and, by the way, he is also talking about the fact  
2 that they -- he is at that conference in Saudi Arabia and is  
3 saying the same things that Mr. Barrack is. We just think  
4 that it gives the jury a picture of what private equity firm  
5 leaders say about, about these people.

6 THE COURT: Isn't it a picture of what two private  
7 equity leaders say? That might be misleading. I will think  
8 about that.

9 Do I have the video?

10 MR. SCHACHTER: Your Honor, I can provide a  
11 transcript for the Court's consideration overnight if that  
12 would be helpful.

13 THE COURT: All right. And what about Mr. Nitze's  
14 point, are you going to offer the whole thing or redact it?

15 MR. SCHACHTER: No, it's not the whole thing. We  
16 would offer just a short excerpt.

17 THE COURT: Send me the transcript. I'm going to  
18 rule on it tonight or tomorrow morning when we convene.  
19 Please have it marked to show which part you want to get in.

20 MR. SCHACHTER: Yes, Your Honor.

21 MR. NITZE: And I take it, we would be open to then  
22 showing different people saying different things?

23 THE COURT: Here's the problem. If you had an  
24 expert with a scientific survey saying, I surveyed all the  
25 hedge fund people and investment people and here's what they

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1 say, that might be worth more than this.

2 I will take that into account. I think Mr. Nitze's  
3 right. If you are going to call somebody who sounds like  
4 Mr. Barrack, he can call somebody who doesn't sound like  
5 Mr. Barrack, and I'm not sure I want to go down that road.

6 MR. JACKSON: Your Honor, may I make one point about  
7 that. I do think that we're talking about two different  
8 things where Mr. Nitze says he can call someone else.

9 Their entire point is that no one but an agent would  
10 say these things. So we have a very significant person in the  
11 industry who is saying these things in connection with their  
12 business. It's just a powerful illustrative example of a  
13 counter to that point. So the fact that there may be people  
14 with different opinions I would argue doesn't have the same  
15 relevance but I think Your Honor understands what we're saying  
16 and we'll submit our, we'll submit our transcript.

17 THE COURT: Okay. Is Mr. Barrack going to lay a  
18 foundation for who Schwarzman is?

19 MR. JACKSON: Absolutely, Judge.

20 MR. NITZE: We ask you -- it's not remotely our  
21 point about the videos, as will become clear, but we do think  
22 we should be permitted to provide similar contexts of people  
23 saying different things and to the extent you are inclined to  
24 allow this video in for the purpose proffered, which we think  
25 raises a 403 problem, among others, for the reason I just said

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1 about a mini trial, but the statements about the size of  
2 investment, there's some concern we have.

3 They could call Mr. Schwarzman but they're trying to  
4 get across to the jury that Blackstone which is a much larger  
5 organization has a bigger scale of investment from these UAE  
6 funds and that somehow, what's going on here is a smaller  
7 matter. That's one aspect of our objection.

8 THE COURT: Let's assume I were to open the door to  
9 a mini trial and you could find an ideal witness, what would  
10 he say? Would he be in a similar position to Mr. Barrack or  
11 Mr. Schwarzman and he'd say, I think we were all wrong and I  
12 thought so at the time?

13 MR. NITZE: I don't need a witness, I assume.  
14 Mr. Schwarzman is not here. We're going to find video clips.  
15 Just like they have a video clip, we'll look for other video  
16 clips. Jamal Khashoggi might be a name that surfaces again in  
17 terms of people saying different things than Mr. Barrack.

18 THE COURT: Is he an investment guy?

19 MR. NITZE: We'll get back to you, Your Honor, on a  
20 proffer.

21 THE COURT: I will think about it, I'll read the  
22 transcript and I'll let you know what I want to do tomorrow  
23 morning.

24 Anything else?

25 MR. SCHACHTER: Yes, we submitted a letter under



PROCEEDINGS

1 seal regarding Mr. Barrack 's potential cross-examination and  
2 that is something that we know, again, the Court has a lot on  
3 its plate, but that affects what we may do tomorrow with  
4 Mr. Barrack to the extent --

5 MR. HARRIS: We're going to file a response tonight,  
6 Your Honor.

7 THE COURT: You're not going to just say, We're not  
8 going to ask him about that?

9 MR. HARRIS: No.

10 THE COURT: File it. Something else for me to do  
11 tomorrow.

12 MR. HARRIS: Sorry. I don't think we got an answer  
13 from Mr. Schachter on timing.

14 MR. SCHACHTER: I think we'll take the day.

15 THE COURT: Really?

16 MR. SCHACHTER: I do. Look, Your Honor, I mean, we  
17 spent probably five days reading text messages, sometimes  
18 repeatedly, and we apologize that the defense case comes at  
19 the very end of the case when people want to wrap up, but this  
20 is the most -- I mean we submit this is probably the most  
21 important part of the case.

22 THE COURT: I'm not going to cut you off. I'm not  
23 going to cut off the defendant in a case like this where the  
24 examination, in my view, has not been redundant or  
25 unnecessary. So if that's what you've got to do, that's what

PROCEEDINGS

1 you've got do. I would simply urge you, you know, maybe not  
2 every stone needs to be uncovered. If you have 20 points to  
3 cover and you only cover 19 of the 20 stones in each point,  
4 well, then you've got 20 stones you didn't cover and that  
5 would be a lot of time.

6 MR. SCHACHTER: It would be helpful, Your Honor, if  
7 the government would start conceding the lack of merit of many  
8 of the points that it made in its evidence and it would help  
9 us to cross certain things off the list. We would welcome  
10 that and I would imagine that they may be thinking that  
11 themselves.

12 THE COURT: Well, I think you're unduly optimistic.  
13 Look, I'm not going to say anything. I'll see you  
14 tomorrow morning at 9:30.

15 MR. JACKSON: I'm sorry, Your Honor, may I raise one  
16 small additional point? I just don't know -- I wanted to  
17 raise it but I didn't know the appropriate place.

18 There was a point during one of the  
19 cross-examinations when at a sidebar, Mr. Heeren asked whether  
20 I had access to grand jury material beyond -- he said it  
21 appeared I had access to grand jury material beyond what I was  
22 utilizing.

23 I did not and I just want, you know -- for me, for a  
24 number of reasons, that accusation has potential, carries a  
25 number of potential issues. So I just wanted to make sure

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1 that the government, having gone back and looked at their  
2 notes, is now confident that all my questions could have been  
3 established on the basis of the grand jury material that they  
4 disclosed to me.

5 THE COURT: Are you asking them to take it back?

6 MR. JACKSON: Yes, Your Honor.

7 THE COURT: I have noticed, Mr. Heeren, you can get  
8 pretty aggressive, right? This could be one excessive step  
9 you took.

10 MR. HEEREN: Your Honor, I completely understand  
11 your point but I believe if we check the transcript, I said at  
12 the sidebar that I was not accusing him of that and that --  
13 and I'll say it again.

14 THE COURT: First, you accused him, and then you  
15 said, I'm not accusing him of that.

16 MR. HEEREN: No. Your Honor, respectfully, what I  
17 was trying to say, and I will clarify it again, was that we  
18 received a ruling that the grand jury testimony of which  
19 Mr. Jackson was asking about was outside of the scope of the  
20 examination.

21 THE COURT: That's all were you saying?

22 MR. HEEREN: That's all I was trying to say,  
23 Your Honor. If I said anything more than that, I certainly  
24 did not intend that.

25 THE COURT: All right. There you are, Mr. Jackson.

PROCEEDINGS

1 There was an accusation that's withdrawn but Mr. Heeren says  
2 there was no accusation so you're double protected.

3 MR. JACKSON: Thank you, Your Honor.

4 MR. SCHACHTER: I'm handing to the Court Barrack  
5 Exhibit 725-T.

6 THE COURT: Thank you.

7 9:30 tomorrow morning.

8 (Matter adjourned to October 26, 2022 at 9:30 a.m.)  
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		<b>Exhibit 604</b> [2] 4209/19 4210/2
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		<b>Exhibit 7</b> [2] 4192/17



<b>E</b> <b>Exhibit 7...</b> [1] 4192/23 <b>Exhibit 840</b> [2] 4202/11 4202/14 <b>Exhibit 994</b> [1] 4144/4 <b>Exhibits</b> [5] 4146/3 4146/16 4180/5 4181/3 4202/18 <b>Exhibits 944</b> [1] 4146/3 <b>existing</b> [1] 4118/19 <b>exists</b> [1] 4163/8 <b>exits</b> [2] 4176/13 4213/6 <b>expand</b> [1] 4193/20 <b>expectations</b> [2] 4113/9 4190/19 <b>experience</b> [1] 4169/18 <b>experiencing</b> [1] 4205/7 <b>expert</b> [1] 4215/24 <b>experts</b> [1] 4171/7 <b>explain</b> [15] 4118/12 4121/18 4124/17 4128/4 4132/12 4133/11 4138/8 4139/15 4155/14 4158/12 4160/23 4191/12 4192/4 4195/21 4203/8 <b>explained</b> [1] 4130/11 <b>explaining</b> [2] 4128/13 4206/12 <b>explains</b> [2] 4122/12 4122/13 <b>explored</b> [1] 4187/19 <b>exponential</b> [1] 4186/5 <b>exported</b> [1] 4187/20 <b>express</b> [1] 4192/12 <b>expressed</b> [1] 4201/9 <b>extent</b> [3] 4163/18 4216/23 4218/4 <b>extract</b> [1] 4190/22 <b>extreme</b> [1] 4188/5 <b>eye</b> [1] 4169/10 <b>eyes</b> [1] 4201/13	<b>Fax</b> [1] 4106/1 <b>FCRR</b> [2] 4106/22 4107/20 <b>fearful</b> [1] 4144/8 <b>February</b> [3] 4202/9 4202/22 4211/17 <b>February 22</b> [1] 4202/22 <b>feedback</b> [1] 4207/20 <b>feeds</b> [1] 4133/20 <b>felt</b> [1] 4199/15 <b>few</b> [4] 4109/21 4127/19 4145/16 4164/8 <b>field</b> [1] 4113/12 <b>fight</b> [3] 4117/12 4138/22 4191/7 <b>fighting</b> [1] 4176/3 <b>fight</b> [1] 4191/8 <b>Figueras</b> [2] 4207/7 4207/8 <b>figure</b> [3] 4112/23 4163/22 4164/1 <b>file</b> [2] 4218/5 4218/10 <b>filled</b> [1] 4150/18 <b>Final</b> [1] 4190/10 <b>finally</b> [1] 4112/9 <b>finance</b> [4] 4134/12 4134/14 4134/19 4192/7 <b>financial</b> [2] 4189/20 4192/7 <b>fine</b> [3] 4176/24 4184/15 4200/4 <b>finishing</b> [1] 4145/14 <b>firm</b> [2] 4209/14 4215/4 <b>firms</b> [3] 4157/22 4158/10 4159/2 <b>first</b> [33] 4108/18 4108/25 4110/5 4122/11 4125/3 4125/21 4128/9 4129/5 4129/19 4129/25 4130/5 4136/17 4143/5 4143/7 4143/9 4143/15 4146/18 4146/18 4162/25 4170/11 4176/1 4183/11 4189/17 4190/6 4190/8 4198/22 4200/4 4200/6 4201/5 4209/3 4210/12 4213/13 4220/14 <b>firsthand</b> [1] 4191/20 <b>five</b> [3] 4150/18 4211/20 4218/17 <b>fixed</b> [1] 4182/2 <b>flag</b> [1] 4214/4 <b>flags</b> [1] 4189/15 <b>flip</b> [2] 4143/13 4166/25 <b>fly</b> [1] 4144/15 <b>focus</b> [3] 4171/7 4173/15 4194/25 <b>focused</b> [3] 4125/11 4186/3 4208/22 <b>focusing</b> [3] 4121/23 4125/9 4125/10 <b>follow</b> [1] 4117/24 <b>followed</b> [1] 4113/21 <b>following</b> [3] 4152/15 4164/23 4184/1 <b>follows</b> [2] 4108/19 4156/11 <b>food</b> [6] 4138/22 4147/22 4147/25 4148/3 4148/5 4152/16 <b>football</b> [4] 4130/1 4130/1 4130/2 4165/11 <b>footprint</b> [1] 4188/24 <b>force</b> [1] 4187/17	<b>foreign</b> [11] 4114/23 4127/15 4134/11 4134/18 4137/18 4149/2 4149/5 4151/20 4152/1 4170/3 4177/21 <b>foreigners</b> [1] 4187/11 <b>foremost</b> [2] 4118/17 4190/6 <b>form</b> [1] 4155/22 <b>formed</b> [1] 4186/18 <b>former</b> [3] 4134/18 4205/13 4205/16 <b>forms</b> [1] 4188/4 <b>forth</b> [1] 4197/19 <b>fortune</b> [1] 4189/11 <b>forward</b> [5] 4119/19 4120/13 4163/6 4163/24 4185/23 <b>forward-thinking</b> [1] 4185/23 <b>forwarded</b> [1] 4152/20 <b>forwarding</b> [6] 4119/16 4120/12 4120/15 4120/21 4121/5 4123/2 <b>forwards</b> [2] 4164/19 4197/23 <b>fossil</b> [1] 4187/20 <b>foundation</b> [2] 4113/23 4216/18 <b>foundational</b> [1] 4186/8 <b>four</b> [2] 4146/8 4211/20 <b>frame</b> [2] 4214/17 4214/25 <b>France</b> [1] 4170/2 <b>Free</b> [1] 4134/7 <b>freedom</b> [5] 4187/13 4190/22 4190/25 4191/3 4199/17 <b>Freihas</b> [1] 4116/5 <b>friend</b> [6] 4116/5 4118/8 4118/22 4127/3 4136/3 4209/24 <b>friends</b> [2] 4188/12 4201/6 <b>front</b> [6] 4167/2 4172/2 4172/3 4174/17 4181/6 4189/1 <b>fruitful</b> [1] 4148/2 <b>frustration</b> [1] 4194/8 <b>fuels</b> [1] 4187/20 <b>full</b> [1] 4151/3 <b>full-time</b> [1] 4151/3 <b>fully</b> [1] 4108/5 <b>fund</b> [6] 4155/16 4155/17 4159/5 4187/4 4187/5 4215/25 <b>funds</b> [6] 4157/24 4158/8 4158/13 4158/16 4158/19 4217/6 <b>funny</b> [1] 4140/13 <b>future</b> [2] 4147/25 4163/7
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